Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 1 of 164 PageID #: 1764

COUNTY OF SUFFOLK



DIVISION OF MEDICAL-LEGAL INVESTIGATIONS

& FORENSIC SCIENCES

CRIME LABORATORY

Sheet Number 7 6.6
Laboratory Number 04-1013
C.C. Number <u>04-65, 136</u>
Command
People vs.
Date Submitted
Submitted By

WORKSHEET

PERIOD OF APPROXIMATELY
THILTYPINE (39) SECONDS.

The Devices interne Clock was found to have been Running at an incorrect time.

The Device's Energy

OUTPUT WAS found to

BE Consistent WITH

FACTORY Specifications.

6/

Case 2:04-cv-04052-SIL _Document 118-3 Filed 11/30/09 (b) 5/16/105 LIMS # 04-1018 DAVID GALLERENSAL ME = 2004-0427 The FULLOWING CASE WAS IN THE possession of F.S. I Roy Sines prior THIS DATE. The initial incipent FOUR PLACE on Fes. 4 TH, 2004. 25 INITIAL EXAMINATION 15 Decumentes As TAKING PLACE OF FEB. 10 TH, 2:09. · His Examination continue accumo asing THE weapon AS A TASEL filing a containe for operations Als Reported reflected THE IDENTIFICATION OF THE waspen AND A OPERABILITY FIRM OF A SINGLE AIR TASER CARTRIAN. IT DID not reflect any applicance
FIRMS OF TABLE CANTRIDGES OR During THE TESTING DELIED LATTIL REGUEST WAS MADE TO As a stan gan. TRST DEVICE 25 second Examination 13 Ducindage TAXING PLACE ON Dec. 340 2004. His second Examination Centure Atom Alound asing the weapon As A stan gan, His report LEFERCTED THE OPERAGE TENTING OF THE DEVICE AS A TASER AND A STAN GAR. TRITHER THE PEPIKT THE THE THES REFLECT THE GUARTITY & OF ADDITION OF STORE FINIS.

1 of 1 COUNTY OF SUFFOLK Sheet Number Laboratory Number 04-1018 C.C. Number 04-65136 Command 3310 DIVISION OF MEDICAL-LEGAL INVESTIGATIONS People vs. & FORENSIC SCIENCES Date Submitted 2/5/04 Submitted by Del. Albergo #783

MATERIAL SUBMITTED

Item #1.1 a nylon carry bag Item #1.2 a Taser device Item #1.2.01 - a Taser cartridge Item #1.3 a Taser cartridge Item #1.4 a Taser cartridge Item #1.5 a peppermace canister

RESULTS

Item #1.1 -The item is a black, nylon carry bag.

CRIME LABORATORY

- Item #1.2 -The device is a Taser brand electronic Taser device model M26, serial number P3-015300. Using one (1) Taser cartridge submitted from Item #1.2.01; the device was tested and found to be operative.
- Item #1.2.01 -The item is a Taser brand Taser cartridge, serial number T03-021475 and is the proper size and type for use with Item #1.2.
- !tem #1.3 -The item is a Taser brand Taser cartridge, serial number T03-021619 and is the proper size and type for use with Item #1.2.
- Item #1.4 -The item is a Taser brand Taser cartridge, serial number T03-021605 and is the proper size and type for use with Item #1.2.
- Item #1.5 -The item is an Armor Holdings Company, Defense Technology Federal Laboratories brand 5.5% peppermace, peppermace canister, model MK-6, Lot #PMS056.

False statements made herein are punishable as a Class 'A' misdemeanor pursuant to Section 210.45 of the Penal Law, State of New York.

I have performed the above indicated analysis(es) and reach the condusion set forth, and hereby certify that the within is a true and correct original or copy of the laboratory report in this case.

2/11/04

Roy Sineo Analyst

Date

mm

Case 2:04-cv-04052-SIL _Document 118-3 Filed 11/30/09 Page 4 of 164 PageID #: 1767 COUNTY OF SUL OLK Laboratory Number 04- 1019 C.C. Number <u>04-65136</u> Command 33/C People vs. _____ DIVISION OF MEDICAL-LEGAL INVESTIGATIONS & FORENSIC SCIENCES Submitted By D.+. Alberts # 783 CRIME LABORATORY WORKSHEET Material Salmitted tem + 1.1 a Nylon Corry by tem #1.2 a Taser device tim #13 1.2.01 a Taser Centridge tem #1.3 a Taser Cartridge tem # 1.4 a Taser Cartridge tem # 1.5 a peppermace Conster Result ten # 1.1 The item is a black, Nylon Carry bay. tom #12 The device is a Taser brand electronic Taser clevice model: M26 suial number: P3-015300. Using one (1) Town Cartridge submitted from item# 1.2.01; the device was tested and found to be operative. ton *1.2.01 The item is a Taser brand Taser Cartrily Seriel number: T03-021475 and is the gropen size and type for use

with item #1.2.

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 5 of 164 PageID #: 1768

COUNTY OF SU. OLK

|--|

DIVISION OF MEDICAL-LEGAL INVESTIGATIONS

& FORENSIC SCIENCES

CRIME LABORATORY

Sheet Number	<u> 422 </u>
Laboratory Number _	04-1018
C.C. Number	04-65136
Command	3310
Pecpie vs.	
Date Submitted	2/5/oy
Submitted By	Alburge # 783

WORKSHEET

tem #13	The item is a Tan brand Tan Centrily serial number: T03-021619 and is the page. Size and type for use with item #1.2.
tom = 1.4	The item is a Tasa hand Tasa Carturbe serial number: T03-021605 and is the purpor size and type for use with item = 1.2.
ten #1.5	The item is an armon Holdings Company, Defense Technology Fideral Laboratories brand 5.5% peppermace, paper Papermace Carrister model: MK-6 It # PMS056

Ray Sines 2/11/14

2/10/07

RS

21.0/04

L# 04-1018

P 04. 65136

I tem #/

1. S (Box / PD + Joh message, evidence Type Continue: (box discould at 16)@

5 PB / PA mukings, evidence tope, styles Contains:

Item # 1.1 a Nylon Carry bay black, Tippers, belt Chip

4 Compactments w/ zipper.

ten # 1.7. a Tasue device

Lafac Sight

(located 1.4 Item * 1.1)

... 5/4: 73-015300 dengant

make: Turk . * Manual Sufety-

tim*1.2.01

a Teroi Custainly?

TO3-021475 · located out and of Item 1.2 Tasec begod

propose Tree-type for use of the \$1.2

te~ *1.3

a Taser Containing - Taser brand

TO3- 021/19

(located in Itim #111)

Sugar Size i type for one of your #12.

25

2/11/09

1 7 04-1018 . * C4. 65136

a Tasin Cartadge - Type and TO3- 021605 located is item 1.1 graphed site of type for an with the +1.2

578/ 70 markings, evilence Tage, stayles Gestains

Item #1.5

a popperment Constat Black, plastic 5.5% garrana Lot # PMSO56 belt stip Armore holdings Congary toment

Definse Technology Federal Cobountonies Gent

Med: MK-6

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 8 of 164 PageID #: 1771



FOLICE DEPARTMENT COUNTY OF SUFFOL

EVIDENCE ANALYSIS REQUEST

PDC\$ 3220-9c

COMPLETE FORM AND SUBMIT WITH ITEMS OF MATERIAL FORWARD FOR
EVAMINATION TO THE CHIME LAB OR DESTRICTION SECTION

OUTSIDE AGENCY CASE NO

PAZAROOUS MATERIALS (PIGGGE CONCE)

SHARP OBJECTS O BIOHAZARO

DATE OF REPORT	LINTRAL COMMAINT NUMBER
NYESTIGATING OFFICENZAGENC ことには、OUTEULA	Y/COMMAND/TEAM NUMBER NELS #723/3010

EXAN	NOTES NOTACTIFICATION OF BALLEMEN OF NOTANIM	CHEMICAL HAZARO G		
	NDER INVESTIGATION (Het eil) VIG DID LIGOT.	OFFICE USE ONLY Do not write in this area		
ME & ADDRESS CH	ice Lin St., Southampton FCOMPAÑANT/OWNEP/VICTIM LOMOZEGAKI	104 1048 Surreling Falls		
		"Sagral Recorner Cor in a		
ME OF DECEASED	(xe2 & sea south Canulus RO	ASSIGNED TO: , EVIDENCE LOG PG. NO.		
TE OF ARREST	ARRESTING OFFICER	SHIELD COMMANO		
NAME AN	O ADDRESSES OF DEFENDANTS/SUSPECTS INCLUDE D.O.B.//B.NO.	# Provide race & sex in connection with heir, blood or other biological submissions		
EL GERM	EVID	ENCE •		
ITEM #	DESCRIPTION	WHERE & UNDER WHAT CIRCUMSTANCES ITEM RECOVERED		
1.	Black nylon bag containing	On Items 1 and two were recover-		
	Taser Model M26 and the att	as ments ed on 2-4-04 at 160 N. Main		
2	One canisher of memerapace	St. Southamston by Lt. Howard		
	Lot FM3056 5.5% MK-6	Lewis and turned over to the		
		undersigned officer.		
	V			
	(i) mus	test engone : retains at Myr (0)		
		/ //		
Andreas Control of the Control of th				
	DESCRIPTION OF CASE AND EXAMINATIONS REQUESTED *			
Item #1	to be tested for operabilit	y and malfuctions		
Item #2	2 to be tested for malfunction	ons and operability and weight and conte		
NAME OF LAB. TEC	CHNICIAN OR I.D. OFFICER ASSIGNED (If this is a follow-up)	SENO WHITEN RESULTS TO:		
AME OF OSSICES	RECOVERING MATERIAL, etc. RANK/SHIELD/COMMANO	Det. Pasquale Albergo #783		
D	TRECOVERING MAJERIAL, etc. HANK/SHIELD/LOMMAND	SIGNATURE OF OFFICEN RECOVERING MATERIAL		

* Additional space provided on the back of form

53-513.. 9/93

Case 2:04-cv-04052-SIL __Document 118-3 Filed 11/30/09 Page 9 of 164 PageID #: 1772 COUNTY OF SUFFOLK Sheet Number Laboratory Number 04-1018 C.C. Number 04-65136 Command 3310 DIVISION OF MEDICAL-LEGAL INVESTIGATIONS People vs. & FORENSIC SCIENCES Date Submitted 2/5/04 Submitted by Det. Albergo ≠783 CRIME LABORATORY SUPPLEMENTAL REPORT MATERIAL SUBMITTED Item #1.2 a taser device (previously submitted) **RESULTS** Item #1.2 -Further examination of the submitted device revealed it to be functional as both an electronic taser device and an electronic stun gun. I have performed the above indicated False statements made herein are punishable as a Class 'A' misdemeanor analysis (es) and reached the conclusion set forth, and hereby certify that the within is a pursuant to Section 210.45 of the Penal true and correct original or copy of the Law, State of New York. laboratory report in this case. Roy Sineo Date Analyst

Vm

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 10 of 164 PageID #: 1773 Sheet Number /2/ COUNTY OF SUFFOLK Laboratory Number 04- 1017 C.C. Number 04- 65/36 Command 3310 People vs. DIVISION OF MEDICAL-LEGAL INVESTIGATIONS Date Submitted 2/5/14 & FORENSIC SCIENCES Submitted By Det Albreio * 783 CRIME LABORATORY WORKSHEET Supplemental Ryant Material Sulmitted tem 1.2 a tous device (previously submitted) Results ter 12 Further examination of the submitted device revealed it to be functional as both an electronic teres device, and an electronic Stun gun (2) De Ry Sinc. 12/3/04

	RS	12/3/0
L# 04-1018		
C# 09-65136		
573 / RS Markings , Continue A	Inhel (lab), Contrars:	
, 		
A I tem was Regulated	buck to lab from frather examination	by 25
		÷
tem # 1, 2 a Tasa device (previous);	sobathi)	
s/n. 73-015300		
red: M26		
- Les when there Cartaide	is zeroed, the device foreties	
	Stor gon!	
-		
The device is also experied	of the Rechargable burnety	
and the second s		
	and the second of the second o	
	and the second s	
en de la companya de La companya de la co		
e de la companya de l	,	
• •	and the second of the second o	

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 12 of 164 PageID #: 1775

Suffolk County Crime Laboratory

Office of the Medical Ex-

P.O. Box 6100, Hauppauge, NY 11788-0099







Date: 2/14/05	
Number of pages including cover sheet:	

To:				
	ADA	TRISH	Bresce	
				
Phone:				
Fax phon	ie:	2-2756		

From:	Ker Siver	_
Suffe	olk County Crime Laboratory	_
	Finingo	
Phone:	(631) 853-5585	
Fax phone:	(631) 853-5739	

	Fax phone:	2-2756		Fax phone:	(631) 853-5739	
	REMARKS:	Urgent Urgent	For your review	Reply ASAP	Please comment	
			/		•	
				•		
				,		
		-				
-						

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH THE TRANSMISSION IS ADDRESSED.

IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THIS DIFFICE IMMEDIATELY BY CALUNG (671) 853-5335.

Suffolk County Crime Laboratory

Office of the Medical Examiner P.O. Box 6100, Hauppange, NY 11788-0099







Date:	12/7/04	
Number	of pages including cover sheet: (2)	

To:	ADA	Trish	Brosco	
Phone:				
Fax phone:		3	2786	

From:	Roy Sines
Suffe	olk County Crime Laboratory
	Fireway Unit
Phone:	(631) 853-5585
Fax phone:	(631) 853-5739

REMARKS:		frgent	Ø F∘	r your revi	ew [_	Reply A	NSAP		Ple	ase com	ment
Trish	_										
	I	Re-exa	nined	He	Faser	clience	<i>1</i> ,-	thu	is.	He	Report
	Play	g ves	ticus	C1/1	me!	F5-	7- 5°	7 ₃ 7			

Kiy

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR SITELY TO INHIGH THE TRANSMISSION IS ACCRESSED.

F THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS TRANSMISSION IN ERROR, PLEASE NOTIFY THIS DEFICE MINIEDIATELY BY CALLING (61) 863-8885.

04- 65, 136 Lims # 04-1018 cont 5/16/205 6K1/27/05

A LATER REQUEST WAS MADE

TO RECOVERY THE DEVICE USAME

RECORD from THE DEVICE. The

MECESSARY DEPRIETARY SOFTWARE

WAS OBTAINED FROM TASER INTERNATIONAL

BY THE DISTRICT ATTURNEYS OFFICE. The

LABORATORY RECEIVED THE SOFTWARE

AND PROPRIETARY HARDWARE CONNECTIONS

TO PRIEM THE REGRESTED ANALYSIS.

ON LANGUAGE 27TH, 2005 RS A,000

BY F.S. TH. II Chames Sacrons, W.TH

F.S. III G. HELVOSTA IN ATTEMPANCE,

ATTEMPTED TO DOWNLEAD THE COME MEMORY

FIRE for THE DEVICE

The memory record Begins

WITH Line OOI on 4/21/03

AND DOCUMENTS MORMAC CS ARC

THROUGH LINE 147 on 1/23/04

Line 148 THROUGH LINE 169

DOCUMENTED 22) ADDITIONAL

USAGES; BUT THE RECORDED

INFORMATION FOR DATE; DAY OR

WERE CORRUPTED. These 22)

MACCOUNTED FOR DISCHARCES

OF DEVICE WOULD ME INCOME

AND POST-INCIDENT; INCIDENT;

AND POST-INCIDENT LAB TESTING

USAGES.

04-65, 136 LIMS 04-1018 Cont. 5/16/1005 GK //21/05

Conferences & conferences by prime well made between GK, Robert Genna (Chief of Las); Lour Coccins (OA office Homiciae Buseau Chief, & for Durecuse an Employee of Tases This.

* TASER INTE REQUESTED THAT
WE SEND DEUTEE TO THEM

AS THEY FECT LOST DATA WAS

MOST PROBABLY RECOVERABLE

(NOTE: THEY HAD BEEN SENT

DOWNEDAD BY C-MAIL)

· D. A. OFFICE REQUESTED THAT

LABORATORY MARE AN ATTEMPT

TO RECOVER IMPORMATION ON

173 OWN (AS TASER WAS a

CO-DEFENDANT IN CIVIL CASE).

GK TOOK OVER CASE DEXING

MOKING OF JAN. 27, 2005.

Copies OF ALL RS REPORTS,

NOTES, & THE OXIGINAL D

DOWNLOADS BY RSY CS NE

ADDED TO THIS NOTE PROCERCE—

GK TOUR prossession or Containe A AND 175' CONTRATS AT THIS TIME

5/16/2025 04-65, 136 Lims = 04-1018 Cont. " A GK1/27/05 A PROPERTY BUREAU CARDONALO 5 TURALE BOX (5400 2759) WITH A PLEVIOUS HEAT SLACED & COMPARTMENTIZED LABORATORY PB ALL STILL SEALLS IN COMPARTMENTS Removes from 175 compactmens WAS THE FORCEWING! Trem # 01.02 A TASER Wager TAGGES WITH EABOURTONY BARCORE 5TICKEL AND R.5 2/10/204 MAKKIN65 Marue Tasex Jare Morec M26-06/02 5/N P3-015300 On 1/23/2005 Two ADDITIONAL TASELS WELL OBTAINED BY GK from THE F.A. TLAINING UNIT FOR USE AS LABORATORY REFLICACES (5/2 P3-047034 Y A3-048886).

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 5/18/2005 04-65, 136 GK 1/27/2005 LIM5 # 04-1018 CONT. GK CAMMATIONS: IT Appended THAT THE GUESTION TASEL MIGHT STILL BE DUCLMENTING ITS USALE NOST PLACING THE INFORMATION IN THE WIRDLE COLUMNS. Between In 31, 2005 no FeB. 14, 2005 (9) new DOWNLOADS WERE PERFORMED

BY GK (SOFTWARE WAS LOADED onto 1 F.A. Unix Computer). (DATA RECUIND AS A DAT, FILE WAS CONVENTED TO A WORD FIEL for case or printing DATA) NOTES WELL ADDED TO BACK OF THESE REPORTS TO DOCUMENT WHAT TESTING TOOK PLACE PLICE TO DOWN LUAD AS CONCLUSIONS Wase KLACHED THEIR WELL ADDED PHINTOUT. Pain concessions were ADDED TO NOTE REPORT

ALL 9 DOWNLOADS have been ADDED TO THE NOTE PACKAGE

5/14/2205 GK 1/27/2005 04-65, 136 LIM5 # 04-1018 CONT THE TESTING MEEDED TO SOUT OUT THE menny File. was Accomplished. A meeting was cause with Loan Cours of THE Homicine Boreau of THE DA OFFICE T THE C.O. + TEAM
members from THE SCPO Homicine 59040. Note Pacance Post-Testine 07 no A CALENDIA WAS DISTRIBUTED AND DISCUSSED. The EUCENING PACCIONINALY CUNCLUSIONS WAS REVEALED · The anits stand or asuce DATA MOST PROBASING COLLUPTRO between line 147 And 148 By Line 149 THE UNITS 45 CLOCK 15 Running But peacing STORED DATA in THE wione Fire position / comma Mait Disensides (4) And possible a 5th Time at 10010007 Lines 149-152 DOCLMENT GEAGE ON Weo, Fes. ?, 2004 =13:35 - 13:36 CMT My concusions for # Date + Sec ALL INCONCLUSIVE AT THIS TIME

5/16/205 04-65, 136 GK 1/27/2005 LIMS 04-1018 CONT. · Line 153-157 Documents (5) GSACES ON a MUNDAY in Feb. ?, 2004, within a 3-4 minure perios. Only possisse DATE has cont 125 must have Trace prosession er Euroence And Geton his EXAMINATIONS PRIOR TO TAKING possesion on 61m5. · Line 158 - 162 DOCUMENTS (5) usnoes on a Tuesnay in Fe3?, 2004 within n
57 minute person. Lims Documents unit in R5 presession on Taes , 2/10/2004 from 0845 - 0957 hour. Line 163- 169 DUCGMENTS. Dusaces on a Friday in Dec. 7, 2004 within a 5 minute period. LIMS DOCUMENTS anit in 25 possesion on Francy, 12/3/2004 from 0910 - 1000 hous. « Devices Ceace Actioner Running is not set for propose time o It has Destron

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 20 of 164 PageID #: 1783 6/16/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/6 6/

DURING THE URIGINAL DUMENAD OF DATA BY RS + CS THE DEVICES CLOCK WAS INCURTENTALY RESET BY CS

Concesses of meeting was

TO now Regards Task Inte

TO INTERPRET STORED USAGE RECORDS

IN GUESTION Line 148 THROUGH 169

TO CONCURR MY FINDINGS. AT THE

SAME TIME WAIT WORLD BE

TESTED FOR OUTPUT.

PAGES from M.E. FILE WHILH

INCLUDES, PEPONT, SECTOMES, P.D.

DEATH REPORT, & SUPPLEMENTAL REPORTS

WERE ADDED TO NOTE PACKAGE

Case 2:04-cv-04052-SIL _Document 118-3 Filed 11/30/09 Page 21 of 164 5/11/2005 04-65, 136 LIM5 # 04-1018 GK 5/4/2005 On This Day THE FOLLOWING INDIVIDURES
WERE PRESENT FOR THE RE-EXAMINATION
OF THE QUESTION TASEL BY
REPESENTATIVES OF TASEL PATE. MARK Johnson rula most Corner mont+ conver James C. Will Jew 3 - Cours James C. Wilson Patricia Brosco Petricia Brow Kernann Kelly Kerriann Kelly Jel Tie Doors JoHn TWINAME D/SET Jack Fitzpatrick D/Lt Etaminations, were performed by MAKK LOHINSON, DIRECTOR OF TECHNICA PROGRAMS OF TASER INTE AND MATT CARVEL, TECHNICAL LIASON - RESEARCH & Development FILST EXAMINATION WAS CONTERED ALOUND INTERPLETING USAGE memory TESTING WAS EXAMINED. USING ADDITIONAL PROPRIETARY SOFTWARE THE RAW DATA STORED WAS SHIRTED AND SMIFT DATE TIME DATA WAS
generateD. See ATTACHED PRINTONT places in mores.

Case 2:04-cv-04052-SIL _Document 118-3 Filed 11/30/09 Page 22/of 164 5/16/2005 OK 5/4/2005 04-65, 136 LIM5 # 04-1018 TASK PATE CONT The question TASER. WAS THEN Tested for Energy output PROPRIETARY SOFTWARE T HALDWAIL CONSCTED TASEL TO A TRACING DSCILASCOPE. Wave form And puese RATE WILL DETERMINED. These were compared Alainst 60 Home Test Equipment memory FILE, A FASER BROGENT BY TASEX Intie Analyst , AND a LABORATORY SUPPLIED REFERENCE TASER, 5/N P3-048880 The wave form and passe More Courses Speciel attended to the formation of the for RATE OF ACE There TASSELS, Actions Almander Secretary ALL BY STUDIES BATTING PACE NOTE AS BEEN TO DELLE AS BEEN DOLLE TO THE TOTAL PACE NOTE TO THE PACE NOTE OF T Passe LATES UNDER BATTERY power BATTILY price were new DEND. DATING 3) CD'S + 3) DISKETTES WELL PLACED 125111h in Notes. Copies OFACE FILES PRESENT ON THESE WERE GOLDES TO A SINGLE CD for FBI

EXHIBIT NOT INCLUDED TRANSCRIPT OF TESTIMONY IS IN POSSESSION OF ALL PARTIES' COUNSELS

EXHIBIT V

EXHIBIT W



D 900 1919/89

DATE INIT
QUAN ANAL 3/8956
IM EDC 3/6/8956
QUAL ANAL 3/8956

Disch: 1/5/90

Disch: 1/5/90

QU'N ALL 3/90 EF

1141 ANAL 3/90 Ef 3) 7/19/90

DATE INIT QUAN ANAL 10/90 EP INDEX

QUAL ANAL 10/90 EP

4) ADM -1/3/191 DISCH-2/14/91

RELEASE/TERMINATION SUMMARY

GLOWCZENSKI, David

"C" NUMBER 128282

FACILITY NAME KPPC

ADMISSION DATE 12/2/88

WARD/UNIT 223-Islip/East End

EVENT DATE 1/13/89

EVENT Discharge

ADMISSION DATA

20 year old white, single male admitted on 12/2/88 on DCS status. Patient was referred by Mobile Screening Team. Patient was handcuffed, refused to give any information, urinated in his pants in the screening room. Patient was reported to be fasting for about 1 week and felt that he is Jesus Christ, was not going out felt that food was being poisoned by people.

TAGNOSTIC IMPRESSION UPON ADMISSION

AXIS I
292.11 Psychoactive Substance-Induced organic mental disorders - delusional disorder

309.40 Adjustment Disorder - with mixed disturbance of emotions and conduct

AXIS II
V71.09 No diagnosis or condition on AXIS I or AXIS II

AXIS III None

AXIS IV

AXIS V

DISCHARGE DATA

Patient was discharged on 1/13/89 to reside at 70 Laytou Ave, S. Hampton, NY 11968 and will attend the Peconic Center for aftercare.

FINAL PRIMARY AND SECONDARY DIAGNOSES

AXIS I 298.80

Psychotic Disorders - NEC - brief reactive psychosis

AXIS II

GLOWCZENSKI, David

Page 1

128282

PATIENT: GLOWCZENSKI, DAVID

ADMISSION DATE: 12/2/88

DATE OF BIRTH: 4/19/68

DATE PRIZZO SED AND CONFIDENTIAL
SED ONLY IN THE BEST

C# 1282 PETEREST OF THE PATIENT

SS#: Unknown

Informant (Name, Address, Relationship, Impression) Description of Patient, Religio-Ethnic Cultural Backgound, Presenting Problem, Previous Psychiatric Hospitalizations, Developmental History, Family History, Education, Employment, Marital, Military, Legal, Financial, Medical, Drug/Alcohol History and Current Living Situation.

**NFORMANT: Patient, patient's mother, patient's brother. Patient mains delusional and his reliability is questionable. Patient was ary defensive, and suspicious during interview often stating that any personal information was "none of your business".

DENTIFYING DATA: Patient is a 20 year old single white unemployed lale.

PRESENTING PROBLEM: Patient was brought to K. P. P. C. by ambulance, from home upon referral of mobile crisis unit.

According to patient's mother and brother, patient had been fasting for two weeks (not 2 days as stated in Admission Note). He states that he believes his is Jesus Christ and that people are poisoning his food. He reports that he believes he is being controlled by others and says he saw Jesus Christ last Easter.

BACKGROUND: According to patient and his mother, he has been living the his mother and brother (not with friend as stated in Admission Note a South Hampton. For the past 6 moths patient has been unemployed. (He was a house painter). He states that he hated his job and wanted to take time to get his GED. Patient's mother reports that in April atient attended a Rock concert when he had taken psychedelic mushrooms. When he returned home he became a vegetarian, stopped working and became preoccupied with Jesus Christ. Shortly after this he broke up with his girl friend.

Patient's mother reports that prior to the above mentioned incident patient worked full time, was a foreman at his job and had his own apartment.

Patient is the second youngest child in a family of 5. He has 2 brothers and 2 sisters, Patient's parents are both living and are divorced.

Patient had one previous psychiatric hospitalization at Sagamore for evaluation because he refused to go to school.

DRUG ABUSE: Patient denies alcohol abuse and would not give any information concerning his drug history other than to state that he has not

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 28 of 164 PageID #: 1791

PSYCHO-SOCIAL ASSESSMENT

used drugs for one year. Mother and brother state he used psychedelic privileged AND CONFIDENTIAL TO BE USED ONLY IN THE PROPERTY.

FINANCES: Patient has been supported by family.

TO BE USED ONLY IN THE BEST INTEREST OF THE PATIENT

IMPRESSIONS, STRENGTHS, LIABILITIES, RECOMMENDATIONS:

STRENGTHS: Patient is young, verbal, ambulatory and in good physical health. This is his first serious breakdown. Good past work history patient can return to live with family when stable and has support from same.

LIABILITIES: Patient entertains paranoid delusion with impaired insight and judgement. His social functioning has deteriorated in past 6 months. Patient does not acknowledge the danger of fasting. He has no income. Patient refuses medication.

RECOMMENDATION: Patient should remain hospitalized until stabilized. He should be encouraged to fake meds and given supportive therapy to help him accept and understand his illness. Patient should be referred o Access for drug counseling. Patient will need SSI and is interested in obtaining a GED.

After care should include on going psychotherapy and drug counseling. Family should be included in discharge planning and may need some support services.

Majou Vietur M. Nudleman

P. S. W. I

EXHIBIT)

OCT **31** 1989

SAGAMORE CHILDREN'S CENTER

PSYCHIATRIC EVALUATION

Re: GLOWCZENSKI, David Hosp. No. 2410

June 4, 1980

Hearings and Appeals

RECEIVED

OF

David, a 12 year old boy, was referred for psychiatric evaluation because he has not been going to school and also has difficulties at homgAN 19 1990 during which time he has violent outbursts and he apparently imitates his father who also has violent outbursts when he is under the influence of Fulton Avenue alcohol. Apparently, a PINS petition has been filed because of the parents of N.Y. 11550 inability to send him home and they have recommended that he be evaluated at this outpatient clinic.

Background history indicates that David was born on 4/19/68. pregnancy and birth was normal. He weighed 8 lbs. 12 oz. and according to his mother his infancy and early childhood was normal and non problematic. At the age of 18 months, he had to be hospitalized for three days for herniorrhaphy and according to his mother he was quite upset about the separation and reacted adversely after his return from the hospital for several days. There were no physical problems except that he has sinusitis and sinus headaches quite frequently and also when he was in third grade, he had a broken arm and prior to that he fell from his bicycle and was unconscious for a few minutes and was in the hospital overnight. However, without any sequelae. Family history indicates that the father is an alcoholic. He basically has a pathological intoxication in the sense he cannot hold too much liquor and so he drinks on weekends and gets sick by it. Somehow he feels that he is not an alcoholic and does not seek any help. According to Mrs. Glowczenski, because of Mr. Glowczenski's alcoholic problem and violent outbursts, there have been marital problems and she is on the verge of getting a separation. Family history also indicates that his maternal grandmother had a nervous breakdown probably post-operative psychosis because it happened after hysterectomy.

Mrs. Glowczenski, who was seen prior to seeing David, reiterated the above and she stated that particularly she is concerned about his not going to school which started since he was in 4th grade and has steadily increased until this year and so they put him in a private school and in spite of that, there was no benefit and the private school asked them that David be removed from the school and sent to public school. Since he was put in the public school in March, he has not attended a single day and refuses to go to school. Because of the above, there has been a PINS petition filed and placement in the foster home is being considered. Mrs. Glowczenski states that David, at the present time, either stays at home and watches T.V. or goes with her when she works in the neighboring mansions as a housecleaner. She states that David has been taken to psychologists on two occasions but without any good results and psychologists have been frustrated because of this uncooperative behavior. Mrs. Glowczenski also is concerned about David's explosive behavior which is patterned like his father's behavior and states that David gets easily frustrated, wants his own way and says "he is trying to correct me, tells me what to do" and apparently if she doesn't listen then he has a temper tantrum where he throws things around or kicks the walls, etc. Apparently, she corrects him by ignoring him and if that does not work, spanking him on his bottom or sometimes physically restraining him by sitting on him. She states if foster home is recommended after this evaluation and if it benefits David, she would readily send him or she's prepared for any other treatment plan including inpatient hospitalization if recommended.

THE PARTY OF THE P

154

Re: David Glowczenski Psychiatric Evaluation Page Two cont'd

CONFIDER OF A JUNE PRIVILEGED For Professional Purposes Cally

David was not to be seen when the undersigned went to bring him to the interviewing room. He had taken off from the waiting room and the mother had to go to the car to bring him back. He came to the clinic again very reluctantly and he was led into the interviewing room by the undersigned during which time he walked to the room in a nonchalant fashion. He sat in the assigned chair, slouching on the chair and without even looking at the undersigned. He was not hyperactive neither did he exhibit any bizarre behavior however, his attitude was of non compliance, negativistic and inappropriate. He was not spontaneous in his verbalizations and neither did he answer the questions though it was quite evident that he understood every question that was asked of him but apparently decided not to talk. Finally, when he was informed that he would not be allowed to go home until he starts talking, he started verbalizing in monosyllables. David is a nice looking, attractive boy, well-groomed, appropriately dress, however, had his sneakers on with untied laces. He did not indicate to have any psychotic symptomatology in spite of his non verbal behavior. When asked whether he was a happy or a sad boy he refused to answer. When asked as to what he would like to do when he grows up, he refused to answer and when asked for the three wishes, he said he did not know and finally, when asked as to whom he would take with him if he was marooned on an island, he stated that he would take his dog. At that time, he started talking about his pets and he stated that he had two dogs, three cats and one hamster. However, when further going to his problems, he clammed up and decided not to talk. He stated that he does not know as to why he does not want to go to school and he stated that he does not know whether he needs help or not. When asked as to what he would do if there was a fire in a movie house while he was watching a movie, he said he would run out and when asked as to what he would do if he found a letter with the address and stamp on it by the roadside, he said he would mail it. His sensorium was clear, school and general knowledge appeared to he adequate. He had no insight into his problem and judgment was questionable.

This 12 year old boy who does not go to school also shows temper tantrums, is provocative in his behavior, stubborn, and violates minor rules.

313.81 Oppositional Disorder ('DSM可 A*45 1) Diagnosis:

Recommendation: Psychological evaluation, psychosocial history and individual psychotherapy and family counseling, however, if this does not work, one should consider either foster home care or inpatient hospitalization because of his "school phobia."

The Ile 4)

Ronald V. Nazareth, M.D./1s1

21/2

EXHIBIT Y

Dated:

Approved by

NARRATIVE

CALLER STATES HIS SON IS MENTALLY ILL AND VIOLENT, AND WANTS HIM COMMITTED.

Certified by		Dated:	
Approved by	D	Dated:	

Case 2:04-cv-04052-SIL _D	ocument 118-3	Filed 11/30/0	9 Page 35 of	f 164 PageID	#: 1798
Entry/CC#: sv-005332-94	te: 06/30/1994	Time: 18:45	Tour:	O Desk Offi	cer:
Call Type: AIDED CASE - AM	BULAN Prior	ity: H	ow Received:	TELEPHONE	
Caller:, Bus. Name: Address: City/St/Zip:,				Andrew State of the State of th	_
Location of Assignment: 70 LACCTOSS Street: Business Name:GLOWO Description:MOBIL Post: Officer A	Zenski residen Crisis team b	CE		l Back #:	
Dispatched: N Call Taker:	Disp Date:	06/30/1004	Dien Tina	Uni	
Disposition: Add'l Officers: Add'l Units:				Comp Disp to	Time: Time: Comp: 00:00 Comp: 00:00
Vehicle Plate Number:		State:	Make:		
Vin:	Model:		Color:	Ye	ear:
Name:GLOWCZENSKI, Address:70 LAYTON AVE City/State/Zip:SOUTHAMPTON, Phone Number:(516)283-1487 Sex:M Race:WH	NUE NY 11968	3:04/19/1968			
	Mannagrie				-
THE MOBIL CRISIS TEAM INITIAL LOCATION BECAUSE OF THE PSYCH THE AMBULANCE WAS SUBSEQUENTL' SOUTHAMPTON HOSPITAL BECAUSE (NOTE: THE VICTIM/PATIME. (NOTE: THE VICTIM/PATIME) THE SVPD BECAUSE PECONIC AND VIOLENT.)	IATRIC HISTORY Y REQUESTED TO OF HIS PHYSICAL ENT WAS ULTIMAT	POLICE BACK ASSOCIATED TRANSPORT D AND MENTAL	WITH THE VIC AVID GLOWCZE CONDITION A RTED TO KING	TIM. NSKI TO I THE S PARK	
Certified by			Dat	ed:	
approved by	******			ed:	

Document 118-3 Filed 11/30/09 36 of 164 PageID #: 1799 Case 2:04-cv-04052-SIL Entry/CC#: 8V-005343-94 Date: 06/30/1994 Time: 23:25 Tour: O Desk Officer: Call Type ..: SERVICE CALL Priority..: How Received: TELEPHONE Caller; Bus. Name ..: Address....: city/St/Zip: , Call Back #: Location of Assignment: 240 MEETING HOUSE LANE, SOUTHAMPTON APT EMERGENCY cross Street....: Business Name..... : SOUTHAMPTON HOSPITAL Description....: TRANSPORT TO KINGS PARK PSYCHIATRIC HOSPITAL Post: A3 Officer Assigned: Unit: Dispatched: N Call Taker: Disp Date:06/30/1994 Disp Time: Arv Time: Disposition ...: Comp Time: Add'l Officers: __ Disp to Comp: 00:00 Rcv'd to Comp: 00:00 Add'l Units...: Vehicle Plate Number: State: Make: Vin: Model: Color: Year: ASSOCIATED NUMBERS PERSONS INVOLVED Name......GLOWCZENSKI, DAVID DOB:04/19/1968 Address.....:70 LAYTON AVENUE City/State/Zip:SOUTHAMPTON, NY 11968 Phone Number..: (516) 283-1487

Dated:

Dated:

Certified by

Approved by

C	16 Incid		:04-¢	₹ 0405	2-S 23	1 000				Pipe	d 11	/30/		age	37		4 P	agel	D 7	#: 1800	I	15. Tion
ľ		cast Type			-		17_Bus	nness Nam	134						18. V	Vespos(:	s)	•	-		-	
D		TTOW A		o "Street Nam	e,Bidg. No	Apr. No	0)						tent.Zipi (ж <u>С</u> п	- Dv		***************************************	21	Live	moon Code		В
H	22. OF	NO.	LAW	\$8CTO		1	C	AT D	_	AIT	COTACT	N/	ME OF O	TENS	_		_		113	No of Victoria	•	 c
	1		PL.	240.26	_	\perp	_	+	-				DIT		_			1	+	No. of Suspec		∔
L	27.0				-				1	0								1	1		0	D.
1	TYPEN			RST_MIDDS		ce inter	Den	of Birth	51	REET N	O STRE	NI-NO	ME,BLDO	NO A	PT NO	CITY	26 VI	ZTD Alto	_	planast DY	23 N	E.
		GLOWC	z Erski	, DAVID							.,		CUTRA					_	3 (1			+-
Ĉ.	00						-		╁										S (516) 283-1	487	1_
I O		GLOW.	ZEFSKI	, THEOD			02/15	/1920	70	LAFTO	W AVE	NUE :	OUTEN	OTON	, XT	11968		RE	5 (516) 203-1	487	G.
									1									RE				H.
•																		BL	/3			
1	27 Date	Bert	28	4ª 0¾	See N	Race		-	١٠,	T ELEMEN	_	12	намер	33 K	and the same	35.45	_	RE I ONE I	-	XGI NE		┞
ž	/	. Des		_ Du		Whee lades	Am			☐Non-h	George		Yes No	I Co	andread Official	☐Tours		Student Homele	-6	Other. Unit/Not Indica	med	,
1 8	34 1 ype	*0 35 Na	une(Last.)	srst, Middle)				36 Alias	Nick	жене Ма	edes Nes	M(Last,	First Midd	-	Timos	red Dru	- [-	Die (DU:		K.
1	38 Addre	M Street N	o ,Street !	lame,Bldg ,N	o , City ,St	ie,Zip)						39 Pho	Res		Impe	ared Ale	» [les/T		App Norm.	-	<u> </u>
100	ना छन्न	r Berts	142 7		Sex 44	Nace Wate) Ethere		146	Bus.				44.0	Capabo				L
KU.S.	//			DMI		Indian	DA:			Non-i	ic (T.)		Medium	Derk	_	١.	•/. CX	cupano	•			M.
100	48 Height	49	Weight	50 Hair	51 E	yes	□Yes	Con	tacta	Sin But	- F	Lep	54 Employ	er/Scho	al		55 A	ddrese				N.
4	36 Scerv	Marks/Tas	oos(Desc	ribe)	-		_ □Ne		_	17 M	dian.							-			_	<u> </u>
H	38. VICE	a P	орану	Property	Quanty	_	No. 4 6					_							_			
P	Suspect)	10	itates	Type	Menney	4	Dog Ty	20		Model		See	rial No.	+	Des	eription			_	Value		7
R		+	_			+		-	-		-	-		+							_	片 3
,						+		_						+					-		-	
2	A 120.	efficie Str	60. I	scense Pale	No	,	-	61 State	Т	62. Exp.	77 6	Piete	Туре	٠,	M VE	-					\neg	Ľ
7	65 V	ch. Yr.	56 3	Lat.			Model		\perp	168	Style			184	VIN				_			5
T	c m	ukar(s)				丄							-									6
		OR.#(5)			Towed By								- ["	Z. Veluc	le Notes							<u> </u>
	" COM	LAIN	INT R	EPORTS.	THAT	HIS	SON,	DAVI	Œ	(4/1	(68)	, н	AS IN	CEST	TED .	ALCO	HOL	W/	_		\dashv	<u></u>
×	HIS	PSYCE	ILATR	IC MED	CATIO	NS.	THI	s con	BI	NATIO	CH MC	. S R	ESULT	ED I	N A	N AD	VER	SE			\neg	8
A	I/L.		IN T	HE PAT	ENT.	THE	HOB	ILE C	RI	SIS 1	TEAM	NOT	IFIED	AND	RE	8 POD	NIN	G TO				,
R	-/												-				-				_	<u> </u>
1	WHII	E BEI	NG I	NTERVI	WED B	Y TH	IE MOI	BILE	CR	ISIS	TEAM	NU	RSE,	DAVI	D G	LOWC	ZEN	SKI			\dashv	10
7	FLED	INTO	THE	STREET	. SU	BJEC	T IS						/BLK						_		\dashv	11
I	T-SH	IRT A	ND B	LK BEL	- NO	SHC	ES.															12
	8/27	/95	Def	endant	*****	hend	lad is														\Box	<u> </u>
ł	tran	port	ed to	HQ fo	r pro	CORE	ing	and h	•1	d for	AM .	AFT.	ign	. D	be f	ndan		.,	_		\dashv	13
	Cris	inal	Cour	base :	on ch	arge	of c	Crini	na.	Mie	chie	£ 4	th.		JeI (COCI		-		\dashv	6
	74 Inquaries		_				YSPIN M	icseage No	0.	76.	Complai	oant Sig	pasture	THE	DORE	GLON	CZE	SKI	_		┵	B
40.0	Cree H	istory [Want W. Stolen B	MODERNY.	Scoffee					1			····				_				-	COVE
- 1	77. Reporti	ag Officer	Segmentero				3GT 53			0	Supervise	or's Sign	nature(inch	ude Ran	k)			78. ID N	lo		84.	
	II. Status ☐Vict. Re		Ор ия оор.	☐Cicsed(☐Arrest	if Closed, a	heck bor		Unifou			***************************************		82. Status	Date	T	83. 1	Notifie	vTOT				Page of.
	Сві С				_	Offender		Extrad			Inknows	Sep	8	199	5						-	ages

:ACIDENTS No 2: 0 4 VC \ 0 0 4 10 5 2 5 L	Document 118-3	Filed 11/30/09	Page 038 mf/c04NBageV2067886195
	ADDITIONAL NAR	RATIVE	
-			
. <u> </u>			

.

		Case Number				P	age	2	
	••	95-00487							
		POLICE	OFFICER/						
0111001	r's Name (Last, first,m.i.)		Bedge No.	Police Depart	ment		esign	eted Pri	ncip
	SMITH NICHOLAS		211	PATROL					
	SCHUCHT, ARTHUR		219	PATROL		k	ARRE	STING	3
	BROICH, CHRISTOPHER		226	PATROL			ARRE	STING	<u> </u>
PO PO	WETTER, CHRIS		334	PATROL			ASSI	STING	3
FU	WEST STATE OF THE	CIVILI	AN WITHESS	ES					,
Party No.	Party Name (last, first, m.(.)	Address			Bus. Home	Telephon	e ¥o	Yistim Yvyiim	Age
1	GLOWCZENSKI, THEOD		NY 11968		516	283-1	487	¥	67
2									<u></u>
			FACTS						

COMPLAINANT REPORTS THAT HIS SON, DAVID (4/19/68), HAS INGESTED ALCOHOL W/ HIS PSYCHIATRIC MEDICATIONS. THIS COMBINATION HAS RESULTED IN AN ADVERSE REACTION IN THE PATIENT. THE MOBILE CRISIS TEAM NOTIFIED AND RESPONNING TO I/L.

WHILE BEING INTERVIEWED BY THE MOBILE CRISIS TEAM NURSE, DAVID GLOWCZENSKI FLED INTO THE STREET. SUBJECT IS 508 - 200 LBS LSW/BLK SHORTS, BLK T-SHIRT AND BLK BELT - NO SHOES.

8/27/95 - Defendant apprehended in back yard of residence. Defendant transported to HQ for processing and held for AM arraignment before Local Criminal Court base on charge of Criminal Mischief 4th.

PROPERTY AND EVIDENCE

(1) Set forth description of property stolen and/or desaged including value, ownership and details of recovery.
(2) Set forth description of all items of physical evidence including quantity, manner in which evidence was obtained, and indicate in search warrant was used and attach copy.

			. *	HOT	OR VEHI	CLE O	FFENSE	/s	
Uniform Summonse	Traffic	Summon	s No.	Violat	ion(s) Charged			Accident Involved	Accident Report No.
lest Results	Blood	,	Breath Test		Urine	Na M	me of Operato	r, Technician or Doctor	•
Ves Test	Refused?		If Yes,	(Attach	copy of Refue	al Report))		



Case 2:04-cv-04052-Sfloo	octiment 118-3 Filed 11/30 CRIME REP	709 Page 40 of 164 Page	ID #: 1803
	Case Number		Page 3
	95-00487	DESTRUCT DOCUMENTS	
ATTACH SUPPORTING DEPOSITIONS, COPIES OF	\sim 1 $/$	C PERTINENT DOCUMENT	
fort put (1)2"	((x (/ 1/7)	istrict Attorney Staff Hember	Date

COPY

EXHIBIT AA

Pocument 128-3 Filed 11/30/09 Page 42 of 164 PageID #: 1805 : STATE OF NEW YORK

** MISDEMEANOR INFORMATION **

Case #: 95-00487 Event #: 95-07620

THE PEOPLE OF THE STATE OF NEW YORK

DAVID GLOWCZENSKI (04/19/68) 70 LAYTON AVENUE, SOUTHAMPTON NY

Defendant

OFFICER CHRISTOPHER BROICH #226 OF SOUTHAMPTON VILLAGE POLICE DEPARTMENT, BEING DULY SWORN, ACCUSES THE DEFENDANT NAMED ABOVE OF THE FOLLOWING OFFENSE COMMITTED AT GLOWCZENSKI RESIDENCE 70 LAYTON AVENUE IN THE VILLAGE OF SOUTHAMPTON, COUNTY OF SUFFOLK, STATE OF NEW YORK ON THE TWENTY-SIXTH DAY OF AUGUST 1995 AT ABOUT 8:53PM:

CRIMINAL MISCHIEF FOURTH DEGREE (A MISDEMEANOR)

IN VIOLATION OF SECTION 145.00-1 OF THE PENAL LAW OF THE STATE OF NEW YORK IN THAT AT THE AFORESAID TIME AND PLACE THE DEFENDANT DID HAVING NO RIGHT TO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT HE/SHE HAD SUCH RIGHT, INTENTIONALLY DAMAGE PROPERTY OF ANOTHER PERSON, TO WIT: At the above date, time and place the defendant did intentionally damage the kitchen wall to 70 Layton avenue by throwing a telephone at the wall which created a 3 inch hole.

THE ABOVE ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT BASED UPON INFORMATION AND BELIEF, THE SOURCE BEING THE SIGNED SWORN AFFIDAVIT OF THEODORE GLOWCZENSKI.

SWORN TO BEFORE ME THIS TWENTY-SIXTH DAY OF AUGUST 1995

BIGNATURE/TITLE:

Official Administering Oath

EXHIBIT BB

** VIOLATION COMPLAINT **

Case #: 95-00487 Event #: 95-07620

10

THE PEOPLE OF THE STATE OF NEW YORK - against -

DAVID GLOWCZENSKI (04/19/68) 70 LAYTON AVENUE, SOUTHAMPTON NY

Defendant

THEODORE GLOWCZENSKI OF 70 LAYTON AVENUE, SOUTHAMPTON NY, BEING DULY SWORN, ACCUSES THE DEFENDANT NAMED ABOVE OF THE FOLLOWING OFFENSE COMMITTED AT GLOWCZENSKI RESIDENCE 70 LAYTON AVENUE IN THE VILLAGE OF SOUTHAMPTON, COUNTY OF SUFFOLK, STATE OF NEW YORK ON THE TWENTY-SIXTH DAY OF AUGUST 1995 AT ABOUT 8:53PM:

HARASSMENT IN THE SECOND DEGREE (VIOLATION)

IN VIOLATION OF SECTION 240.26 OF THE PENAL LAW OF THE STATE OF NEW YORK IN THAT AT THE AFORESAID TIME AND PLACE THE DEFENDANT DID threaten the complainant, THEODORE GLOWCZENSKI, with harm to his body and property in that he stated repeatedly, "I'm going to fucking kill you and then I'm going to burn the house down around you." Said communication caused annoyance and alarm to the complainant.

THE ABOVE ALLEGATIONS OF FACT ARE MADE BY THE COMPLAINANT BASED UPON PERSONAL KNOWLEDGE OF YOUR DEPONENT.

BIGNED: Theodor & Guegalo

SWORN TO BEFORE ME THIS TWENTY SEVENTH DAY OF AUGUST 1995

SIGNATURE/TITLE

Official Administering Oath

Southampton Town Justice Court of Suffolk County

WITHDRAWAL

made by me against	and do hereby release
the Town of Southampton as well as the County of S thereof; including the respective Police Departmen resulting out of such complaint or arrest or confinem	uffolk and all the officers, employees and agents, ts and their personnel from any and all liability
Dated	Chedre Slovicy di COMPLAINANT
Sworn to before me, this	
day of, 19	
RELEA	CE
RELEA	ase .
I,	do hereby release the Town of
I,Southampton as well as the County of Suffolk a	do hereby release the Town of all its officers, agents, employees and/or ments together with the above complainant, from arrest and/or confinement, that may have been
I,	do hereby release the Town of all its officers, agents, employees and/or ments together with the above complainant, from arrest and/or confinement, that may have been
I,	do hereby release the Town of and all its officers, agents, employees and/or timents together with the above complainant, from arrest and/or confinement, that may have been ave been dismissed or withdrawn.
I,	do hereby release the Town of and all its officers, agents, employees and/or timents together with the above complainant, from arrest and/or confinement, that may have been ave been dismissed or withdrawn.
I,	do hereby release the Town of and all its officers, agents, employees and/or timents together with the above complainant, from arrest and/or confinement, that may have been ave been dismissed or withdrawn.

EXHIBIT CC

130	uthe	pton	Village	Police	0.04	D - '-		INCIDE	A LIKETUI	1 100 100				15	U. 1010	
1	Report	Lase	Date 04	CV-U4U5	2 9 Stepon			lioLdby-3	[11. <mark>5 ⊕ (</mark>] Seep 129	.1/30/0912. 11995 01	Hage	On/From:	TOM HA	ageiD	#: 1810	15. Time
. 1	Fri.	se Type	2.	1333	03.2		Business		L		_	18. Weapon(s)		- -		Ī _A .
: '`									122	a. a. + .5	o Ot	710		21. Locati	on Code	╀—
19	lacider 00 LI	nt Addres	s(Street No	,Street Name,B	ildg, No.,Apt	No.)				City,State,Zip(UTHAMPTON	СПП	(۱۷)		21. LOCALS	COURT	В.
۱ 🖳	22 OFF		LAW	SECTION	SUB	CL I	CAT	DEG A	π [NAME OF OF				rs 23. N	lo. of Victims	c.
'	1	140.	PL	240.26	-			0		MENT IN TH		MD DECRE			0	4-
' -	2	***	PL.	205.30	-			0		THE ARREST		SEE DECREE	1	24. N	(a. of Suspects 0	D.
	3		PL.	145.00	1			0						also compi	ainset DY 201	
						dorviewe	Date of Bi	Neportun	ET NO STREE	II-Not Interviewe	NO.APT				phone No.	E.
F	YPE/NO	NAM	ECLAST FU	ALKOODM TES	IIILE)					IUR SOUTRAM				BUS ()		F.
30	=	CILOWO	ZENSKI,	, DAVID		04	/19/19	68 70 1	ATTON AVE	OE SOUTHO	Prom,	MI IIYOO			16) 283-148	7
1			·····											BUS RES.		G.
<u>d</u> _		 												BUS		1
		1												RES.		H.
\vdash		 -									.,,			BUS RES.		 1.
L									Direction 1	1 32. Hämiscan	1 33. Ke	ideace Status	1 (611	RES.	era Na	
2	7. Date o	of Birth	28.	Age Zy S)F w	hite [Black [Other	Hispanic 🗀 Ut		Resi	dest Touri	st Stud	icut 🗀 🤇		a J.
4	·	In 26 1	James I and E	irst,Middle)	In	diac	Asian [Non-Hispanic me/Maiden Nac	ne(Last, First, Mide	dle) 31	7. Apparent Co	adition			K
¥,	a. i ype/r	33.1	raurą lain, f	<i>(۱۳۳۹ - در</i> يمو ي							1 [impaired Dru impaired Aic]Unk.]App Norm.	
J ,	8.Addre	su(Street	No.,Street N	lame,Bldg.,No	, City ,State,	Zip)]	39.Phone Res:				. Social Se		L.
ä								135	Ethouc	Bus. 46. Skm	.:		47. Occup	ation		-
3	II Date		42.7]F □\\	bite [_Black [Other	Hispanic U		Dark	∐Unak.	Occup			M.
١,	8.Height		Weight	30. Hair		13	Asian [2. Glasses		Non-Hispenic 53. Build	54 Emplo	yer/Scho	и ;	55. Addre	ess		N.
4	1						□Yes [Contacts.	Medium]Large			<u> </u>			
33	6. Sc= 1/	Marks/T	attoos(Desc	ribe)					57. Misc.							
1	St. Victi		Property	Property	Quartery/	_	Make or		L	T						- =
ı	Suspect)		Status	Type	Measure	1	rng Type		Model	Serial No.		Description	<u> </u>		Value	- L²
						<u> </u>				<u> </u>					 	
						<u> </u>				<u> </u>					 	-11_
•				1		<u> </u>						54. Value			4	-11 4
-										7 Tre						
١ſ	` }	Vehicle	Status 60.	License Plate	No			State (62, Exp. Yr.	63. Plate Type		. va.a.				-1 =
	2			License Plate	No	Partia		State		63. Plate Type		VIN.				
	E 65.	Vehicle Vehi. Yr.		License Plate	No .	Partia		State	62. Exp. Yr.	63. Plate Type						5
	E 65.		66.	Make	Towed By:	Partia		State				VIN.		-2		
	2 65. TO. C	Vela. Yr. Color(s)	66.	Make 71	Towed By:	Partia 67.	Model		68. Style		69. 72. Vehac	VIN.				ᅱ늗
2	E 65. 1 65. 1 65. 1 70. (E 70.	Veb. Yr. Color(s) THE	AFORES	Make 71.	Towed By: To: BD DATI	Partia 67.	Model	AND LO	68. Style	THE ABOV	72. Vehac	VIN. De Notes MED DEFI	endan	T		6
2	E 65. 70. (C 2 70. (C)))))))))))))))))))))	Vels. Yr. Color(s) THE	AFORER	Make 711 MENTION AFTER	Towed By: To: ED DATI STRIKI	Partia 67.	Model IME,	AND LO	CATION,	THE ABOV	72. Vehac	VIN. LE Notes MED DEFI LDER WI	TH A			
Y Y	E 65. 70. C E 70. C E CLO	Veb. Yr. Color(s) THE ARR	AFORER UESTED FIST.	Make [71] MENTION AFTER SAID	Towed By: To: ED DATI STRIKE	Partia 67. E, T: NG PO	Model IME, O RAF	AND LOC FEL #2: ESIST	CATION, 30 IN THE	THE ABOV IE RIGHT	71. Vehicle NAI	VIN. MED DEFI LDER WI G THE A	TH A RREST	ING		6
N A	E 65. 70. C F CLO	Veb. Yr. Color(s) THE BARR SED	AFORED FIST.	MENTION AFTER SAID	Towed By: To: ED DATI STRIKI DEFENDA 30, UNI	Partia 67.	Model IME, A O RAF	AND LOG FEL #2: ESIST	CATION, 30 IN THE ARRI	THE ABOV E RIGHT ST BY KI	72. Vehicle NAI SHOUL CKING	VIN. MED DEFI LDER WIT G THE AI ITION, 1	TH A RREST WHILE	ING		6 7 8 9
R R	E 65. 70. C FF BEI	Veb. Yr. Color(s) THE ARR SED ICER	AFORER UESTED FIST. RS, PO	Make 71. MENTION AFTER SAID \$229,2 ORTED B	Towed By: To: ED DATI STRIKI DEFEND: 30, UN	Partia 67. E, T: NG PO ANT I	Model Model Model RAF DID R HE CO	AND LOC FEL #2: ESIST ULD BE RKED U	CATION, 30 IN THE ARRI RESTRAINIT 126	THE ABOV TE RIGHT ST BY KI INED. IN	72. Velicity SHOUL	VIN. MED DEFI LDER WI' G THE AI ITION, V	TH A RREST WHILE ING T	ing He		6 7 8
r r	E 65. C 70. C E 70. C E F E I DEF	Color(s) THE ARR SED CICER ING TENDA	AFORED ESTED FIST. RS, PO TRANSP	MENTION AFTER SAID #229,2 ORTED B	Towed By: To: ED DATI STRIKE DEFEND: 30, UN: Y PO #:	Partia 67. E, T: NG PO ANT I FIL 1 229	Model IME, O RAF DID R HE CO IN MA	AND LOC FEL #2: ESIST ' ULD BE RKED U	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RE	THE ABOV HE RIGHT ST BY KI (NED. IN TO H.Q. EAR DOOR	72. Vehicles SHOUT SHOUT CKING ADD FOR WIND	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU	TH A RREST WHILE ING T SING	ing He		6 7 8 9
r r n n n n n n n n n n n n n n n n n n	E 65. C 70. C E 70. C E FE I DEF	Veb. Yr. Color(s) THE SARR SED ICER ING T	AFORER ESTED FIST. RS, PO TRANSPO WIT RE	MENTION AFTER SAID #229,2 ORTED B PEATEDL FALL OF	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK	Partia 67. E, T. NG PC ANT I PIL I 229 ED TI TTS T	Model IME, RAF DID R HE CO IN MA HE DR RACKI	AND LOC FEL #2: ESIST ' ULD BE RKED U IVER'S NG. A	CATION, 30 IN THE ARRI RESTRAI NIT 126 SIDE RI LSO, WHI	THE ABOVE RIGHT ST BY KINED. IN TO H.Q. LAR DOOR	72 Velson SHOUT CKING ADD FOR WINDOWS TH	WED DEFI	TH A RREST WHILE ING T SING TION	ING HE IT		6 7 8 9
HARRAT	E 65. 70. C F WAS CLO OFF BEI DEF TO ARE	Veb. Yr. Color(s) THE ARR SED 'ICER ING T ENDA BREA	AFORER UESTED FIST. RS, PO TRANSPO NAT RE	Make 71. MENTION AFTER SAID #229,2 ORTED BPEATEDL FALL OF H.Q. T	Towed By: To: ED DATI STRIKII DEFENDA 30, UNI Y PO #: Y KICKI F OF I	Partia 67. E, T: NG PO ANT 1 71L 1 229 ED T: TS T: ENDA	Model IME, A O RAF DID R HE CO IN MA HE DR RACKI NT DI	AND LOOFEL #2: ESIST 'ULD BE RNED UI IVER'S NG. A	CATION, 30 IN THE ARRIVATE RESTRAL NIT 126 SIDE RE LSO, WHI	THE ABOVE REGISTER OF THE REGISTER OF THE PROPERTY OF THE PROP	VE NAI SHOUT CKING FOR WIND DE TH	MED DEFI LDER WI G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D	TH A RREST WHILE ING T SING TION AMAGE	ING HE IT		6 7 8 9
NARRATI	E 65. C 70. C E 70. C E F E I DEF TO ARE	THE ARR SED TICER ING TENDA BREA	AFORED FIST. RS, PO TRANSPO ANT RE AK AN	MENTION AFTER SAID #229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFI	Partia 67. 67. 67. 67. 67. 67. 67. 67.	Model IME, O RAFI DID RI HE COI IN MA HE DR RACKI NT DI EDLY	AND LOC FEL #2: ESIST ' ULD BE RKED U IVER'S NG. A D AGAIL KICKIN	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RI LSO, WHI N KICK I	THE ABOV IE RIGHT ST BY KI INED. IN TO H.Q. EAR DOOR ILE INSID PO RAFFEI SUSPECT	FOR WINDS THE #23	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		8 9 10
MARRATIV	E 65. C 70. C E 70. C E F E I DEF TO ARE	THE ARR SED TICER ING TENDA BREA	AFORED FIST. RS, PO TRANSPO ANT RE AK AN	MENTION AFTER SAID #229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFI	Partia 67. 67. 67. 67. 67. 67. 67. 67.	Model IME, O RAFI DID RI HE COI IN MA HE DR RACKI NT DI EDLY	AND LOC FEL #2: ESIST ' ULD BE RKED U IVER'S NG. A D AGAIL KICKIN	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RI LSO, WHI N KICK I	THE ABOVE REGISTER OF THE REGISTER OF THE PROPERTY OF THE PROP	FOR WINDS THE #23	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		6 7 8 9
MARRATIV	E 65. 70. C F WAS CLO OFF BEI DEF TO ARE A D A.M	Veb. Yr. Color(s) THE ARR SED 'ICER ING T ENDA BREA A OF	AFORER UESTED FIST. RS, PO TRANSPO TRA	MENTION AFTER SAID #229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFI	Partia 67. 67. 67. 67. 67. 67. 67. 67.	Model IME, O RAFI DID RI HE COI IN MA HE DR RACKI NT DI EDLY	AND LOC FEL #2: ESIST ' ULD BE RKED U IVER'S NG. A D AGAIL KICKIN	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RI LSO, WHI N KICK I	THE ABOV IE RIGHT ST BY KI INED. IN TO H.Q. EAR DOOR ILE INSID PO RAFFEI SUSPECT	FOR WINDS THE #23	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		6 7 8 9 10 11
HARRATIV	E 65. 70. C F WAS CLO OFF BEI DEF TO ARE A D A.M	Veb. Yr. Color(s) THE ARR SED 'ICER ING T ENDA BREA A OF	AFORER UESTED FIST. RS, PO TRANSPO TRA	Make MENTION AFTER SAID #229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA MENT.	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFI	Partia 67. 67. 67. 67. 67. 67. 67. 67.	Model IME, O RAFI DID RI HE COI IN MA HE DR RACKI NT DI EDLY	AND LOC FEL #2: ESIST ' ULD BE RKED U IVER'S NG. A D AGAIL KICKIN	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RI LSO, WHI N KICK I	THE ABOV IE RIGHT ST BY KI INED. IN TO H.Q. EAR DOOR ILE INSID PO RAFFEI SUSPECT	FOR WINDS THE #23	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		8 9 10
XFK MARRATIV	S AT WAS CLO OFF BEI DEF TO ARE A D BY	THE ARR SED LICER ING TENDA BREA OF SESK	AFORER UESTED FIST. RS, PO TRANSPO TRA	Make MENTION AFTER SAID \$229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA MENT. ENNETT.	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFI	Partia 67. 67. NG PO ANT I FIL 229 ED TI TS TI ENDAI PEAT	Model IME, O RAFI DID RI HE COI IN MA HE DR RACKI NT DI EDLY	AND LOG FEL #2: ESIST ULD BE RKED U IVER'S NG. A D AGAI KICKIN CC#95-	CATION, 30 IN THE ARRI RESTRAI NIT 126 SIDE RI LSO, WHI N KICK I	THE ABOV IE RIGHT ST BY KI INED. IN TO H.Q. EAR DOOR ILE INSID PO RAFFEI SUSPECT	SHOUTH ADD FOR WINDOUTH #23 F REM AT S	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		6 6 7 1 1 1 1 1 1 1 1 1
MARRATIVE	S AT WAS CLO OFF BEI DEF TO ARE A D A.M. BY	THE ARR SED ICER ING TENDA BREA A OF TOWN	AFORER ESTED FIST. RS, PO CRANSP INT RE AK AN F SVPD IN THE RRAIGN N PO B	Make 71. MENTION AFTER SAID \$229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA MENT. ENNETT. Oply) (Westent	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICKI F OF I' HE DEF BY RE A#95-2	Partia 67. 67. NG PO ANT I FIL 1 229 ED TI TS TI ENDAI PEAT:	Model IME, O RAF DID R HE CO IN MA HE DR RACKI NT DI REDLY REF	AND LOG FEL #2: ESIST ULD BE RKED U IVER'S NG. A D AGAI KICKIN CC#95-	CATION, 30 IN THE ARRI RESTRAI NIT 126 SIDE RI LSO, WHI N KICK I	THE ABOV E RIGHT ST BY KI TO H.Q. LAR DOOR ILE INSID FO RAFFEL SUSPECT	SHOUTH ADD FOR WINDOUTH #23 F REM AT S	MED DEFI LDER WIT G THE AI ITION, V PROCESS OW, CAU E DETEN O AND D ANDED A	TH A RREST WHILE ING T SING TION AMAGE WALTI	ing HE IT D		6 6 7 8 8 9 10 11 12 12 12 12 12 12
ALKE SELECTION NAMED IN STREET	S AT WAS CLO OFF TO ARE A D A.M. BY	THE ARR SED ICER NG T ENDA BREA LA OF TOWN History History	AFORER ESTED FIST. RS, PO FRANSPO TRANSPO IN THE RRAIGN N PO B	Make MENTION AFTER SAID \$229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA MENT. ENNETT.	Towed By: To: ED DATI STRIKII DEFENDA 30, UNT Y PO #: Y KICK F OF I' HE DEFENDA BY RE A#95-2	Partia 67. E, T: NG PO ANT FIL 229 ED T: TS T: ENDA PEAT: 45,	Model IME, O RAF DID R HE CO IN MA HE DR RACKI NT DI EDLY REF	AND LOC FEL #2: ESIST 'ULD BE RKED UI IVER'S NG. A D AGAII KICKIN CC#95-	CATION, 30 IN THE ARRI RESTRAINIT 126 SIDE RI LSO, WHI N KICK I G SAME. 76. Com	THE ABOV E RIGHT ST BY KI TO H.Q. LAR DOOR ILE INSID FO RAFFEL SUSPECT	FOR WINDS THE WAT S	MED DEFI LDER WIT G THE AI ITION, PROCESS OW, CAU E DETEN O AND D ANDED A CENE AN	TH A RREST WHILE ING T SING TION AMAGE WAITI D H.Q	ing HE IT D		6 6 7 1 1 1 1 1 1 1 1 1
NEW TARINE SALINE NAMED IN THE PROPERTY OF THE	SE GS. CLO TO. CLO OFF BEI DEF TO ARE A D A.M. BY	THE ARR SED ICER NG T ENDA BREA LA OF OESK I. AF TOWN History orting Of	AFORER ESTED FIST. RS, PO FRANSPO TRANSPO IN THE RRAIGN N PO B	Make 71. MENTION AFTER SAID \$229,2 ORTED B PEATEDL FALL OF H.Q. T AT AREA MENT. ENNETT. Poly). (Warrant, a Property use (Include Rai	Towed By: To: ED DATI STRIKI DEFEND: 30, UN' Y PO #: Y KICK F OF I' HE DEF BY RE A#95-2	Partia 67. E, T: NG PO ANT FIL 229 ED T: ENDA PEAT: 45, 75. N	Model IME, O RAF. DID R HE CO IN MA HE DR RACKI NT DI REF	AND LOC FEL #2: ESIST 'ULD BE RKED UI IVER'S NG. A D AGAII KICKIN CC#95-	CATION, 30 IN THE ARRI RESTRAI NIT 126 SIDE RI LSO, WHI N KICK I G SAME. 8864.	THE ABOV IE RIGHT ST BY KI INED. IN TO H.Q. EAR DOOR ILE INSID PO RAFFEI SUSPECT ASSISTED Diamant Signature visor's Signature()	FOR WINDOE THE #23 PREM AT S	MED DEFI LDER WIT G THE AI ITION, PROCESS OW, CAU E DETEN O AND D ANDED A CENE AN	TH A RREST WHILE ING T SING TION AMAGE WAITI D H.Q	ING HE IT D NG		6 6 7 8 8 9 10 11 12 12 13 13 14 15 15 15 15 15 15 15
NARRATIVE SULFERING	SE SISTU	THE ARR SED ICER ING TENDA BREA OF TOWN	AFORER LESTED FIST. RS, PO CRANSP INT RE LK AN F SVPD IN THE RRAIGN V DStoke fficer Signate	Make 71. MENTION AFTER SAID \$229,2 ORTED BPEATEDL FALL OF H.Q. T AT AREA MENT. ENNETT. Oply) //Warrent a Property ure (Include Rai	Towed By: To: ED DATI STRIKII STRIKII 30, UN' Y PO #: Y KICKI F OF I' HE DEF Scottlaw Other ak)	Partia 67. 67. 167. 167. 167. 178. III. 178. III.	Model IME, O RAF DID R HE CO IN MA HE DR RACKI NT DI EDLY REF ONO PO RIA x below).	AND LOG FEL #2: ESIST ULD BE RKED UI IVER'S NG. A D AGAI KICKIN CC#95-	CATION, 30 IN THE ARRI RESTRAI NIT 126 SIDE RI LSO, WHI N KICK I G SAME. 8864.	THE ABOV IE RIGHT IST BY KI INED. IN TO H.Q. LAR DOOR ILE INSIE PO RAFFEI SUSPECT ASSISTED Plainant Signature visor's Signature 82. St.	FOR WINDS THE WAT S	WIN. MED DEFI LDER WIT G THE A ITION, N PROCESS OW, CAU E DETEN O AND D ANDED A CENE AN	TH A RREST WHILE ING T SING TION AMAGE WAITI D H.Q	ING HE IT D NG		6 7 8 8 9 10 11 12 12 12 13 14 15 15 15 15 15 15 15

INCIDI		ase 2:04			SIL	De la	cun	re ier	nt 118-3 Filed 11/30/09 Page 48 of 1	64
****		*********	***		==== λ	 DDIT	ION	IAL	, offenses (s)	
off #	Law	/ Section	n Subdi	v C	L Ca	t De	gli	a== At t	: Name of Offense	Cts
 4 5	•	1145.00	1	 	 			0	CRIMINAL MISCHIEF FOURTH DEGREE	1
300 A A A A A A A A A A A A A A A A A A		* - *		***	***	ADD1	TIC	NA	L NARRATIVE	a 10 进业 20 年 22 第

•

Entry/CC#: sv-008664-95	Date: 09/29/1995	Time: 01:	59 Tour:	O Desk Officer:	
Call Type:10-32	Pri	ority:	How Received:	PATROL PICK UP	
Caller;					
Bus. Name:					
Address:			Ca	1 Back #:	
<pre>city/St/2ip: ,</pre>				l Back #:	
Location of Assignment: 5	00 LITTLE PLAINS	ROAD, SOUT	Hampton		
Cross Street:					
Business NameL	ittle plains bea	CH			
Description	arassment, resist	ING, CRIM MI	S 4TH	Unit:	
Post: A4 Office	er Assigned:			Arv Time	
Dispatched: N Call Taker:	Disp Dat	e:09/29/199	5 Disp Time:	Comp Time	
Disposition:				Disp to Comp	
Add'l Officers:				Rov'd to Comp	
Add'l Units:			Malaga		
Vehicle Plate Number:		State:	Make:	Year:	
Vin:	Model: ASSOCIATE		Color:	1CGI.	
Arrest # :SV-00245 Case # :SV-00562 Name:GLOWCZEN: Address:70 LAYTO City/State/Zip:SOUTHAMP Phone Number:(516)283 Sex	PERSONS SKI, DAVID N AVENUE TON, NY 11968 -1487 ce:WHI	ype: INVOLVED DOB:04/19/		04/19/1968	
AT THE ABOVE DATE, TIME, AFTER STRIKING PO #230 A DEFENDANT DID KICK THE DAMAGE TO SAME. WHILE DAMAGE TO A DESK BY KICK	ND RESISTING ARR RIVER SIDE REAR IN THE DETENTION	E NAMED DER EST FOR SAN WINDOW OUT I ROOM THE I	OF ITS TRACK O DEFENDANT DID A	AUSING	
				Dated:	

Dated:

Certified by

Approved by

EXHIBIT DD

44210F RTE 48, PO BOX 170, SOUTHOLD, NEW YORK 11971 516-765-5191

October 24, 1995

Southampton Town Court Hampton Road Southampton, NY 11968

Dear Sir:

RE: DAVID GLOWCZENSKI

Mr. Glowczenski will be appearing before you October 31, 1995 to answer charges arising from his arrest at the end of September 1995. I am writing this letter in an attempt to clarify his inappropriate behavior and impulsivity on that occasion.

He has been my patient for about four years and suffers from bipolar disorder. When he takes his medication he is rational and appropriate in his behavior, for the most part. However, for about six weeks prior to his arrest he had suffered some setbacks in his personal life and, of his own volition, decided that he would discontinue the medication.

For a few days prior to his arrest, he had spoken of suicide to his mother and on the night of the arrest he announced that he would go to the beach and take a swim in the ocean. His mother naturally took this as a suicidal threat and called the police, though as David recollects the incident he intended nothing more than to bathe in the ocean, in an attempt to "cleanse his spirit." His thinking processes and speech were not particularly clear at the time and when he was stopped by the police, he was unable to explain his purpose. The police moved to restrain him and David, who always has a certain amount of difficulty with authority, resisted arrest, unable to understand at that time the inappropriate nature of his behavior.

He was confined over night at the police station and next day requested admission to the psychiatric unit at Eastern Long Island Hospital. Here his medication was reinstated and he and his thinking and behavior quickly improved, to the point that after six days he was at his psychological baseline.

He is now quite clear in his mind that he must continue to take his medication, and in this state I do not see him as a threat to himself or to the public order.

Glowczenski - Page 2

I hope this information will be useful in the disposition of David's case.

Sincerely,

Nicholas Pott

Nicholas Pott, M.D., Diplomate of the American Board of Psychiatry and Neurology

NP:e

EXHIBIT EE

1	To Report Day 18 Date Transport Day 18 Date Transport Day 18 Date Transport Day 18 Page 17 Pag												Repo	ol la	Оссил		8 D	y _[LI C	4 *1 1	1201	'00	D'o	ge !	54cof	4 6 1	4. Da	n dith	D	#•	101	<u> </u>		5 Tunn
c	1	16	Linci				4-(1 ^{v₂}	2014	Ψ206	100	1122			7 Paren	ness Na	<u> </u>		ile	2	/30/	999	15	ye .	On/From	.		aye	שוו	#. 	101	1), MA
I		100	T												, ,								•		18. West	po a (s))							A
D	۱		D L						.,Stre	et Naz	e,Bl	dg. N	lo.,Apt.	No.)								State,Zi		<u> </u>	□v)			2	l. L	ocab	ce Code			B.
M		-	2. 0	P.	40	7	LA	Y		ЕСПО	۳	ŞI.	3	a.	CA	ŢŢ)EQ	Α				ME O						<u> </u>	1 2	3 N	o of Vi	chang		
I	ł					+	72		149	0.26	-	-			+	+		0		LARA	945/	TIM	THE	*BC	OMD DE	CRE	-	1	4			0		C.
	1		3			工										土												-	Ⅎ'		ic of Sea	apects 0		D.
	I	23	PEN	o						OT-CO			non be			- Parson of Birth												-		<u> </u>		OY 2	X	E.
	1	00		7						LAN I			4	١.											r NO ,сп ¥ 1194		AIL	_	KJS		phone N	0.		
C.	ł			\dashv			-				-			-	-,,	4973	-	_		PAI			MAX:	e, x	X 1194	•			-	_	1) 720	-252	26	F.
10	1	DI		1	aro.	MC X	EPI	KI,	, D.	VAID			·····	04	/19/	1968	70	L	TTO	I AVI		SOUTI	wa	TOW,	WY 11	964			ES.	-	6) 283	-14	17	G.
7	1																											-	US					н.
5	Ī			T		-				····				+			†												US	···			\dashv	
1	ł	27	0	a	die de		Ţ	28 /	ভা	25		٠	1 136					пе			132	- Hamile		31, 30	16 16			1	ES.	370 1	4 NE			L
3	ļ													Black Assa		et.	Дì	lan H	Q.	<u>*</u> E]Yes]No		Com		oune		Studies	4 1		har.		_	J.	
5	l	34	Type/No 35 Name(Last,First,Maddle)													36 Ali	n Nic		n/Ada	ána Na	-(Las	Fre.N	(iddle)	37	Appere	t Con	diam						_	K
3	ŀ	38 .	Auddress(Street No ,Street Name,Bldg ,No , City ,Sta										tate,Zip	p)			1	····			JV Pho	- ,	les:		1	Alog					App No		4	
11.0	Ļ	41.											T HALL			····	- 11	13 E			- 1 85		lue.											L
100	L	1) Slack Asies		-	OH		<u> </u>	. [, Q	terk (17 Oe	cupatio	ONE					M.
SACA	ľ	48.1	Lough		•	9 W	Cigini	1	90 H			51	c yes	37	L G	Dc.		5	اسادا معال		Lerge	ЯE	pluyer/	School		7	55 Ac	dress			************	·····	十	N.
Neg.	3	56.	Scan	M	nte 1	attice	D.		>=)						□No.			╁	7	-			·		······································		***************************************							
	ŀ	38.	Vic.			Tro	a.y	_	Fro	317	Q		59	K			γ	L			,			,									╝	1
Þ	ŀ	200		No.	+	_35		+	_D	B			-		L			Mo	4		54	ried No			Descrip	eice.				\perp	Vı	_		2
0	┝	-			+			十					_				-		···				***************************************							1	·		4	<u></u>
	r				十			十					\dashv				-	····	····					 	·			·		+			4	Ľ
2		•	39.	va	cie	State.	- 6	ı L		Page	10			Full	0 6	State		62.	Esp.		3 7	Туре		T 54	. VB.					╁			-	4
R T		H	63	v.	Ϋ́г		- 6	. NE						'mroni 67),					77 7		······································			1						L			-	5
Y	•	C												W					58 . S	lyne			l	69 V	IN .									<u></u>
		L E	70 (olc	w(s)					71.	Tow	red B	y										١٣١	ducie	Notes								1	<u> </u>
	73		t	th	•	abo) V (d	lat	•, 1	ii			100	cati	lon,	th		und	ers:	ione	d of	EEi.	CAT	vas		.i.~	-			······································		-	7
,		t	٥.	•	do	101	ti	C	di	stu:	:be	ınc	- a1	t ti	he .	pov	• i	ne	ide	nt	loca	tio	n.				-41						-11	•
7									_																			***************************************					1;	9
R	 .	U	Pol	<u>n</u>	hr	<u> </u>	al	1 =	Í.	the -	ur	de	reiq her	me	1, t	he	COM	pl	ain	ant					er b		he	-						y
R	_												cate									pec:	LEid	call	ly, t	he							4	10
7			on	۲r	on	tat	10	n	wi	th t	he	0	osp)	air	ant	:'*	thr		Ye	ar (old	SON	E L	vert	oel subje	a+	d+ -		····				-li	11
I	_	-	ak	•	thi	(94	te	ni	ng	ree	LA Z	ks	to	the	00	apl	ain	en.	t.									-			***	······································	- -	
V			•																															12
- -		The subject did state the if you don't shut up, "The										• fo	110	win	g:	"I'	11	9 R.	des	you	're	fuc	kir	g br	ain	a 1	n						13	
ŀ			tai		<u>d</u> .	" I	' =	a d	on	ung	<u>i</u>	1	you.	<u>Б</u>]•	at	aid	th	en	st.	and	up,	COC	3k ec	i hi	s fi	•t	and	<u> </u>					片	4
╗┪		4 12	dimi										_		PIN Me	ssage !	do.	***************************************	76. 0	`omeb	nent Si	gneture		TEAM	M. GI		TVO	E 7				— ү	Ţ	
=			MV. nm. l	list	<u>ory</u>		Vant/	War LPm	TROL	,		offic ther	•			•- `						*	٠		اللها . ا	 1	an y	V.T						Bover
-	7	7. R	epon	ing	Offic	er Si	gaan	re(l	sclud	e Rank)		78.	ID No		UCHT	200		79. S	upervis	or's Sign	nature(i	nclude	Rank)				8. ID	No			┵	she	
-			Laftus 				Oper	i	Ō	losed(f Cl		check !	ox be	iow). (<u> </u>	***************************************	-	\$2. Sta	etus De	tte		83 N	otifier	утот				_ ;	P	384
			ct. R					ty		Arrest Arrest			JPros. D JOffend	ecline)	d i	□ W#	rant A	dvise		alegy-a-	Apr			 2000	- 1									of. 2
	_								-																								P	tges

ADDITIONAL NARRATIVE

Said actions caused fear and alarm to the complainant. The complainant did sign a Civilian Arrest Form and did verbally state that he was being arrested for the above stated charge.

Defendant transported to HQ for processing and taken directly to court for arraignment purposes.

Entry/CC#: sv-002611-00	Date: 04/20/2000	Time: 11	:48 Tour:	O Desk Officer:
Call Type: 10-32	Prio	rity:	How Received	: TELEPHONE
Caller;				
Bus. Name:				
Address:				
City/St/Zip:,			Ca	all Back #:
Location of Assignment:	70 LAYTON AVENUE, S	OTTHAMPTO	N	
Cross Street:				
Business Name:				
pescription				
	cer Assigned:	-		Unit:
Dispatched: N Call Taker	-		-	Arv Time:
Disposition: Add 1 Officers:				Comp Time: Disp to Comp: 00:0
Add 1 Units:				Rcv'd to Comp: 00:0
Vehicle Plate Number:		State:	Make:	
Vin:	Model:	State.	Color:	Year:
	ASSOCIATED 1	HIMDEDC		1001.
Arrest # :SV-0008			CTENSKI DOB.	04/19/1968
Case # :SV-0013			CZENSKI DOB.	04/19/1900
.51 0013	o oo incidenc iyp	•		
Name:GLOWCZEN Address:70 LAYTO		OLVED 08:05/15/1	973	
City/State/Zip:SOUTHAMP	TON, NY 11968			
Phone Number: (516)283	-1487			
	ce:WHI			
Person Type:COMPLAIN	ANT			
Name:GLOWCZEN Address:70 LAYTO City/State/Zip:SOUTHAMP Phone Number:(516)283	N AVENUE TON, NY 11968	DB:04/19/1	968	
SexM Ra				
Person Type:DEFENDAN	r			

	NARRATIV	_		
POLICE RESPONSE REQUESTE				
DEFENDANT, DAVID GLOWCZE FOR HARASSMENT 2ND (CIVI				NUE
Certified by			1	Dated:
Approved by				Dated:

EXHIBIT FF

TOWN OF SOUTHAMPTON

MISDEMEANOR INFORMATION

STATE OF NEW YORK COUNTY OF SUFFOLK TOWN OF SOUTHAMPTON

SS: David Glowczenski Approx: 30 y/o/a

Mark Snyder of 30 Bay Ave. W., Hampton Bays, NY 11946

NAME OF COMPLAINANT

ADDRESS OF COMPLAINANT

being duly sworn says that on, Aug. 8, 2000, 6:30 PM, at 30 Bay Ave. W. in the Hamlet of Hampton Bays, Town of Southampton, County of Suffolk, State of New York, the Defendant: David Glowczenski Approx: 30 y/o/a 70 Layton Ave., Southampton, NY 11968. wrongfully, intentionally, knowingly commit the offense of Aggravated Harassment in the Second Degree in violation of section 240.30 Sub 1 of the Penal Law of the State of New York, a class "A" Misdemeanor.

IN THAT:

A person is guilty of Aggravated Harassment in the Second Degree when, with intent to harass, annoy, threaten or alarm another person, he or she communicates, or causes a communication to be initiated by mechanical or electronic means or otherwise, with a person, anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication in a manner likely to cause annoyance or alarm.

TO WIT:

The defendant, on Aug. 8, 2000, 6:30 PM, at 30 Bay Ave. W. in the Hamlet of Hampton Bays, Town of Southampton, County of Suffolk, State of New York, with the intent to harass, annoy, threaten, or alarm another person, communicated, or caused a communication to be initiated by mechanical or electronic means or otherwise, with such person anonymously or otherwise, by telephone, or by telegraph, mail or any other form of written communication, in a manner likely to cause annoyance or alarm; the defendant, did make a telephone call to your deponent, Mark Snyder, in which he stated "As soon as I heal up, I'm gonna get a gun and shoot you and Gail." This communication served no purpose and did threaten, alarm and annoy Mark Snyder.

This complaint is based on Personal Knowledge of your deponent, Mark Snyder.

SWORN TO BEFORE ME THIS the 9th DAY of Aug., 2000

Signature of Official Administering Dath

Sergeant Title

Town of Southampton

EXHIBIT GG

L	17	Repor	Day 18	Dag /	04 ()4052-	\$1 Lapur	Dod	unias au				ibad			10	Dag	0 60	Of 1	6/	Dog	AID	#.	079		
M	1	Thu	ase	2.04°	13	2002	14:0	DOG	OwFrom	11 11.3		טע			2002		r ag	me.	univeld -	U44	rayı	طاات	' #+. 」 !	1023	- 1	5. Time
C		6. Encide	nt Type			-			17 Buson	ess Nac	3 40					-	-		Vespoe(s)			L		_	
D	۲				No ,Stre	et Name,Bl	de No.Ap	t. No.)					_				C DT	- DA			12	I. Loc	atoo C	ode		<u>^</u>
x	_	70 LAS 22. OFF		LAW	Ts	ECTION I	SUB	Ta	CAT	TDI	FG T	ATT	_	900	THANG		TENSE					- 13.				В.
-	\mathbf{r}	1			T		-		-	T	0				NOME	W.VI	TENS				1	۲"	No of	Victims 0		C.
	H	3	_		+	-		-	+	+	+		-			_				_		24	. No. of	Suspect	•	D.
_	2	5. Peno				OT-Other P		Dies vie	wed PR-	Person	Report	w WI	-Witne	s NI-	Not inte	(Vicwo	d VI - V	/ictim		26. Vi	ction als	0 000	plaine	- DY	20N	E
:	1	YPE/NO				MIDDLE I	TLE)	+			1								CTTY,S		_	US (elephon	e No.	_	<u> </u>
0,	Ľ	xo	GLOM	ZENSK	Ι, π	EDDY A		- l°	1/23/	1957	70 1	LAIT	OM 7/	TO TU	800	THAN	PTON	, MY	11968		-	ES. (283-14	187	F.
1	Ŀ	*	GLOW	CEENSK	I, D	MID		0	4/19/	1968	70	LAIT	OW AV	/ENU	B 500	TEAM	PTON	, MT	11968	1	_	US (283-14	187	G.
1	1							T													В	US				H.
5	r							+			+-	_	_					-	-			ES.				ļ <u> </u>
1	27	Date of	Birth	129	Age	N. 544	130. KE	_			131	Email	_		72 PM		111 1		Same			ES.	oreign 1			I.
Š	L	Deste of						hite dina	□Black □ Asian	Oth		Hisp	enic	Unk	Yes	1 1	Re	ndent	Touri		Studen		Other	lot Indice		J.
3	34	4. Type/N	0 35 N	ame(Last,	First,M	iddle)						ame/M	laiden N	isme(l	.es.Firs	t,Midd	(e)	7. Appr	rest Co	white		-				K
3	١,	Address	(Street N	do Street	N	Bldg , No. , C	Str. Create 7	Pinh.						1181	hone		\perp	Limps	ired Alo	, 1	lni/II			Norm.		
50		. Date of			Age	11 000										Res: Bus.:							ecurity	No.		L.
NRFS	L	//				DM DF		dien	_Black _Asian	Un	er [Hispe Non-	e Misoeni	Unk.	He San	- F	Derk	Unk		47. Oc	cupatio	X0				M.
NO.	48	l Height	49.	Weight	50. H	Air	51. Eyes		Yes			53 B	wild		54.1	mploy	er/Scho	ol		55. A	ddress					N.
200	56	. Scars/N	larks/Tat	tioos(Desc	ribe)			_	1100			57. N	inc.							_		_	_		-	
Н		. Victim		торыну			and y		MING OF	_	_	Ц.	-	_			_					_	_		_	
P	۲	uspect N	-	Status	+-	De N	SOSPIEV		Your Type	Н		Model		+	Serial	No.	+	Des	cription				+	Value	_	2
R			\top		T	_		_		-				+			+			-			+		\dashv	7
P														\top			+						+		\dashv	
R			hicle St	atus 60.	License	Plate No			101	. State	7	52. Exp	Yr.	63. P	ate Typ	*	Т,	SA, VAN					+		┪	L
7	I	65. Ve	h. Yr.	66.	Make			Partia 67.	Model		_	68.	Style				169.	VIN.							\Box	5
Y	C	70. Co	log(a)			71. To		L																		T ₆
Ш	Ē					1	To:									- "	. Vetac	e Notes								
	/3.	COMP	LAIN	ANT F	EPO	RTS H	VING	AV	ERBA	L D	SPU	TE	AND	BE	ING	PUS	HED	BY I	HIS	BRO	THE	2			\dashv	[]
M		AT A	BOVE	LOCA	TIO	N. B	OTH PA	RTI	ES I													_			\dashv	8
λ		PRES	S CH	ARGES	3. 8	ITUAT	ON RI	SOL	VED.																\dashv	님
R	_													_												الم
R					-					-															4	10
Ŧ											_			-											\dashv	而
I																						-			\dashv	님
Y																				_					1	12
3	_																								\dashv	13
	_																								_}	닉
Н	74.	Inquiries	Check a	II that app	ly).		17	5. NY	SPIN Mes	sage N	0.	176	Comm	lainer	t Signati	-	THEOL		GLOW						\perp	0
TIVE		DMV. Crim. Hi	story [Want/W	Varrant. Propert	, <u> </u>	offlew				-	1"	Comp		. Signati			. A.	GI.OW	CZEN	IAE				use	B
1 K	77.	Reportin	g Office	r Signatur	e(laclu	se Rank)	7	8. ID N	No O RAPI	RL.T	HEO	79	Super	risor's	Signatu	re(inclu	de Ran	k)		T	78. ID 1	No		-	84.	1
3		Status Vice Pee		Open	0	Closed(uf Cl	osed, check	k box b	elow).	Unfou	nded			_	82	Status	Date		83. N	lotifies	4/TOT				7	age
₹		Vict. Refi			_	Arrest Arrest-Juv	Offer			Warm			Unkno	wa		ı	i		1000							of.
-										_		_		-				_							P	ages

EXHIBIT



И		Se₃2: U4-0	_W -04Ω52	-SILR epd	ocument	118-3	Filed 1	1/ <mark>30/0</mark> 9	age 62 of 1	1110	gett	#: 1825	15. Tim 16: 1!
ľ	16. Incident DISTURE	/ F -			17 Busines:	s Name			BLUNT				A 1:
D E	19. Incdess 70 LAY	Address (Street N ON AVE	o ,Street Name,E	lidg, No.,Apt	. No)			0. City,State,Zip(C 🗆 T 🗷 V)		21. Lo	ocation Code	В
M	22. OFF. 1	O. LAW	SECTION 120.15	SUB -	CL CAT	DEG		NAME OF OF	FENSE	1	TS 2	3. No. of Victims 2	c.
	3	PL	240.26	-1	0 4	2 0	HARA	SMENT SECON	DEGREE -	1	2	4. No. of Suspect	ט עו
					serviewed PR-Pe			NI-Not laterviewed				emplainment DY	MN
î,	TYPENO	NAMECLAST	RST MIDDLE	ITILE)	Date of B	Sirth STR	REET NO STR	EET NAME, BLDG,	NO APT NO CITY	STATE,ZIP	BUS	Telephone No.	
											RES.		-
c.											BUS		J _{G.}
I O					+	-					RES.		
•	1					- 1					BUS RES		— н
B											BU3		+
Ļ	27. Date of	24 150	I 79 G	130. KBS			Posite		33. KANDEKA SORO		RES.		
/CT	11	ATIS 20.		P DW	Black [Other [Hispanic (1)	ink Yes	Resident TTO	arist Stu	dent [Tokeign Nat.	. 1
•	34. Type/No	35 Name(Last,)		Just			Non-Hispanic ame/Maiden N	me(Last, First, Middle	Commuter Miles	Condition			_
0	AR	GLOWC EEMS!	KI DAVID		34 0	10 E			Impaired D	rugs Mo	ntal Dis	☐Uak. ☐App Norm.	K.
P	70 LATE	Street No., Street 1	UTHAMPTON	MT 1196	58			39.Phone Res: Bus.:	(516) 283-1481		. Social	Security No. 66-8635	L.
7	41. Date of 1		34 20M	F DOWN	nte Black [_Other	Hispanic []	Jak. Light C	Derk Dunk.	47. Occup	etion		M.
22	48.Height	49. Weight 200	SO. Hair	51. Eyes	52. Glasses		Small (Medium S4 Employs	Other x/School	55. Addr	***		N.
16.2d	56. Scars/Ma	rks/Tattoos(Desc		RINO	No		Medium 57. Misc.						
_	38. Victim o												1
,	Suspect No.	Status	Type	Moseure	Drug Type		Model	Serial No.	Description	M		Value] 2
R		-						ļ	+				
2		+				+		_	+				<u>- _</u>
:	V 59. Va	sicle Status 60.	scense Plate No	,	61.	State	62. Exp. Yr.	63. Plate Type	54. Value				
R	•				Full Pertial				III			L	4
Ŧ	z 63. Ve	Yr. 66.1	Make		67. Model		68. Style		69. VIN.				$ \parallel$ 1
Y	C 70. Col		171 7	owed By:					Laboratoria de la companya de la com				- X
	E /			To:					Vehicle Notes				
٦	73. 223: C	1/30/200	3 17:35	- RESI	PONDED TO	SAID	LOCATIO	N, WHERE	DOMESTIC V	TOLEN	E W	AS.	
									VID HAD A				JX
. I									Y IN THE N				
A	PHYSI	CALLY ME	NACED H	R AND	HIS BROT	HER W	ITH A HI	MER. TED	DY DID ALS	O ENG	GE :		٦١٠
R	FIGHT	WITH HI	S BROTH	ER, AND	HIT HIM	IN T	HE HEAD	WITH A ME	TAL CANE.	DAVID	THE	IN	$\exists x$
٨	PUSHE	D HIS MO	THER TO	THE G	ROUND AND	STATE	D IF YO	U CALL TH	POLICE ,	I WII	T C	ME	
1		AND KILL											
I								IC VIOLEN	CE.				12
V Z					TERE TAKE								
1							RINTED.	THEN LODG	ED INTO TH	E MALE			13
1	DETEN	TION ARE	A FOR A	M. ARE	CAICHENT								7
1	74 Inquiries(book all that app	77.		5. NYSPIN Mess	age No.	76. Comp	lainant Signature					В
Ě	Crim. His	lory Stolen	Property [Scottlaw Other									MAR COM
STR		Officer Signature			78. ID No 237 PO DORC	HAK	79. Super	visor's Signature(inch	ide Rank)	78.	ID No	Approved	84. 1
Ē	81. Status	Open sed to Coop.	Closed(if	Closed, chec	k box below).			82. Status	Date 8	3 Notified/	от		Page of.
₹	СВІ □	uv No Custody	Arrest-Ju			Extrad. Dec	avised :lina []]Unkno	Jan 30	2003				Pages

TER/CC No.: SV-000697-03

INCIDENT No.: SV-00044-03

ADDITIONAL SUSPECT/MISSING/ARRESTED PERSON(s)

Type: ARRESTED PERSON Name: TEDDY A GLOWCZENSKI Address: 70 LAYTON AVENUE SOUTHAM

AKA :, Condition: IMPAIRED ALCOHOL SS #:--

Home Phone: () 283-1487 Business Phone..:

Skin:MED DOB.: 01/23/1957 Age: 46 Sex:M Race:

Height: 0 Weight: 0 Hair:OTH Eyes:HAZ Glasses:NO Build:MEDIUM

Employer: Occupation:

Scars:

Phone Number..: (516) 283-1487

Person Type...: DEFENDANT



Entry/CC#: sv-000697-03 Date: 01/30/2003 Time: 16:15 Tour: 3A Desk Officer: 223 Call Type..: DOMESTIC INCIDENT Priority..:1 How Received: TELEPHONE Caller: GLOWCZENSKI, THEODORE Bus. Name ..: Address....: 70 LAYTON AVENUE City/St/Zip: Call Back #: (516)283-1487 Location of Assignment: 70 LAYTON AVE, SOUTHAMPTON Cross Street....: Business Name....: Description..... SUBJECT POSS ARMED WITH KNIFE Post: Officer Assigned: 237 Unit: 147 Dispatched: Y Call Taker: 117 Disp Date:01/30/2003 Disp Time:16:15 Arv Time: 16:18 Disposition...:10-38 Comp Time: 16:34 Add'l Officers: 233 Disp to Comp: 0:19 ,223 Add'l Units...: 135,144, Rcv'd to Comp: 0:19 Vehicle Plate Number: State: Make: Vin: Model: Color: Year: ASSOCIATED NUMBERS :SV-00032-03 Defendant: DAVID GLOWCZENSKI DOB:04/19/1968 Arrest # Arrest # :SV-00033-03 Defendant: TEDDY A GLOWCZENSKI DOB:01/23/1957 :SV-00044-03 Incident Type: DISTURBANCE Case # PERSONS INVOLVED Name......GLOWCZENSKI, MARY J Address.....:70 LAYTON AVENUE City/State/Zip:SOUTHAMPTON, NY 11968-Phone Number..:(\) Sex....:F Race: Person Type...: VICTIM DOB: 01/23/1957 Address.....:70 LAYTON AVENUE City/State/Zip:SOUTHAMPTON, NY 11968 Phone Number..:()283-1487 Race: WHT Person Type...: DEFENDANT Remarks....:suspect Name.....:GLOWCZENSKI, DAVID DOB: 04/19/1968 Address.....:70 LAYTON AVENUE City/State/Zip:SOUTHAMPTON, NY 11968

NARRATIVE

223:01/30/2003 17:35 - RESPONDED TO SAID LOCATION, WHERE DOMESTIC VIOLENCE WAS OCCURRING. INTERVIEW WITH MOTHER REVEALS THAT HER SON, DAVID HAD A PHYSICAL FIGHT WITH HIS BROTHER TEDDY AND THAT HE HAD PUNCHED TEDDY IN THE NOSE AND PHYSICALLY MENACED HAND HIS BROTHER WITH A HAMMER SEDDI DID CASE 2:04-CV-04052-SIL BROTHER, AND HIT HIM IN THE PAGE 55 OF 164 PageID #: 1828 METAL CANE. DAVID THEN PUSHED HIS MOTHER TO THE GROUND AND STED IF YOU CALL THE POLICE, I WILL COME BACK AND KILL YOU ALL!

BOTH BROTHERS WERE TAKEN INTO CUSTODY FOR DOMESTIC VIOLENCE.

THE HAMMER AND METAL CANE WERE TAKEN INTO EVIDENCE.

DEFENDANTS WERE PHOTOGRAPHED AND FINGERPRINTED. THEN LODGED INTO THE MALE DETENTION AREA FOR A.M. ARRAIGNMENT.

NARRATIVE FROM CAD SYSTEM

Caller states that David pushed mother to the	
ground and is now making verbal threats. caller	
also stated that David in known to carry a knife,	
but has not displayed one at this time.	
[Thu 01/30/2003 16:20 By 117]	
Officer reports male 10-32.	
[Thu 01/30/2003 16:26 By 117]	
Second officer reports another male 10-32.	
[Thu 01/30/2003 16:32 By 117]	
Certified by	Dated:
Approved by	Dated:

JC-111

ORDER TO REMAND AND PRODUCE DEFENDANT FOR COURT APPEARANCE C.P.L. 510.10 170.10(7)

		C.P.L. 310.10	1/0.10(./)			~
SOUT	THAMPTON VILLAGE	TO: WARDEN OF S	UFFOLK CO	UNTY JAI		Date: 02/ Room: 090	24/03 0
PIN:	346897 Name: 0	GLOWCZENSKI, DAVID		D	OB: 04/	/19/68	
C	Count-Description	Docket No.	Curre Bond	nt Bail	Cha Bond	anged Bail	Date
3 P	L_120.15	03-697	250 500	250 500 			2/24/ 2/24/ 2/24/
10 <u> </u>	RN TO COURT ON:	7/2/12)	F		-/25/3 AP	 53 1
·	Γ:		6 7 8				
acil efen	above named defend DERED that the de ity for a term li dant be remanded	C.P.L. 38 CERTIFICATE OF lant having been confendant be committed below, pursuato the custody of	U.6U CONVICTIO nvicted o ed to the	f the of Suffolk	fense 1	isted be	low, it ional the
OUNT			6 7				

S.C. CORRECTIONAL FACE

S.C. C

Village/Town Justice

EXHIBIT II

1/30/09 Page 68 of 164 PageID #: 1831 POLICE DEPARENT, COUNTY OF SUFFOLK, N.Y. GRID. CC NUMBER COMMAND 04 - 65136 3310 DEATH REPORT DATE OF REPORT DATE & TIME OF INCIDENT 2/06/2004 02/04/2004 1035 Hrs M.E.#: 04-0487 NAME OF DECEASED (LAST, FIRST, MIDDLE) TYPE/TRAFFIC, NATURAL, SUICIDE, ACCIDENTAL, HOMICIDE, ETC DEATH INVESTIGATION GLOWCZENSKI, DAVID PLACE OF INCIDENT N. Main St./RR Plaza, Southampton DATE/TIME DEATH PRONOUNCED PRONOUNCED BY **ADDRESS** PH 70 Layton Ave., Southampton 283-1487 02/04/2004 1119 Dr. Ameres D.O.B. BIRTHPLACE MARITAL STAT PROPERTY REMOVED FROM DECEASED PROPERTY INVOICE NO. 4/19/1968 Southampton single YES: X DESCRIPTION EST AGE SEX RACE REMOVED BY RANK/SHIELD/COMMAND OF DECEASED x ACT 35 W Hospital Personnel m A.M.B. ASSIGNED HEIGHT WEIGHT HAIR EYES Dr. Wilson 71 " 207 brown hazel IDENTIFYING CHARACTERISTICS-SCARS-MOLES NAME AND RELATIONSHIP OF PERSON NOTIFIED Mary Jane Glowczenski **ADDRESS** PHONE 70 Layton Avenue, Southampton 283-1487 CLOTHING WORN DATE AND TIME NOTIFIED 02/04/2004 brown sneakers, plaid shirt, NOTIFICATION MADE BY black jeans, black belt and Hospital Personnel white underwear PERSON IDENTIFYING DECEASED Mary Jane Glowczenski **ADDRESS** PHONE 70 Layton Avenue, Southampton 283-1487

RECONSTRUCT CIRCUMSTANCES SURROUNDING DEATH

On 2/04/04 at 1035 hrs., the above decedent was involved in an altercation with Southampton Police Officers. The decedent was eventually subdued, but only after the officers had to use pepper spray and a Tazer Stun Gun. After the decedent's hands were cuffed and his legs restrained, he became unresponsive. First Aid including CPR were initiated immediately and the decedent was transported to Southampton Hospital where he was pronounced dead at 1119 hours.

Investigation continuing.

TF.

CASE STATUS
_ ACTIVE x PENDING

SINUATURE OF REPORTING OF FICES

SIGNATURE OF SUPERVISING OFFICER
Set. John Twiname \$519 ja

EXHIBIT JJ

CC NGASCR ² 040	GV-0405245H	ocument 118-3	13.23				
04-65136	3310	v.					
DATE OF REPORT		OF OCCURRENCE 1035 Hrs	SUPPLEMENTARY REPORT				
INCIDENT DEATH INVESTIG	ATION	STATUTE	PLACE OF OCCURRENCE IN: OUT:X N. Main St./RR Plaza, Southampton				
COMPLA INANT	SKI, DAVID	PHONE	ADDRESS				
GLOWCZEN		(Deceased)	70 Layton Ave., Southampton				

DETAILS:

On 2/04/04 at 1135 hrs., the undersigned detective was notified by PHYSICIAN'S ASSISTANT ROBERT GOLDEN of the Suffolk County Medical Examiner'S Office that DAVID GLOWCZENSKI had been pronounced dead at Southampton Hospital at 1119 hours. The Homicide Squad had been advised earlier in the morning by LIEUTENANT HOWARD LEWIS of Southampton Village Police Department that the above subject had become unresponsive while being subdued by Village Police Officers.

The undersigned detective then contacted LT. LEWIS who advised me that the incident had occurred at North Main Street and Railroad Plaza in Southampton Village. He agreed to meet me at that location.

The undersigned detective and DETECTIVE ALFRED CICCOTTO #1077, responded to the incident location and were logged in by POLICE OFFICER THEODORE RAFFEL #230 at 1245 hours. DETECTIVE SERGEANT JOHN TWINAME #519 arrived at the scene and assigned the undersigned detective the investigation.

LIEUTENANT LEWIS reported that the decedent was an emotionally disturbed person with a history of violence. The decedent had been hospitalized prior because of his condition. LT. LEWIS stated that the Village Police had been called by the decedent's family twice on the morning of 2/04/04. The first call was at 0909 hours. The decedent's family reported at that time that the decedent had not been taking his medication and was causing a disturbance in their home at 70 Layton Avenue, Southampton. The officers responding to that first call were SERGEANT ARTHUR SCHUCHT #219, POLICE OFFICERS CHRISTOPHER WETTER #233 and BRIAN PLATT #232. The GLOWCZENSKI family advised the officers that they would take the decedent to the hospital for treatment and that police assistance was no longer required. At 1031 hrs., a second call was received by Southampton Village Police Department. The GLOWCZENSKI's reported that the decedent, again, had become violent and had left their house. The decedent was encountered walking on North Main Street, near Railroad Plaza in Southampton Village. The decedent was stopped by POLICE OFFICERS MARLA DONOVAN #225, BRIAN PLATT #232, CHRISTOPHER WETTER #233 and SERGEANT ARTHUR SCHUCHT #219. During this encounter, the decedent became violent and the officers were forced to restrain the decedent by using physical force, pepper spray and a taser stun gun. After the decedent was restrained, he became unresponsive. The officers started C.P.R.. An ambulance had already been called because it is Southampton Village Police Department's policy to transport a subject who has been pepper sprayed to the hospital. The ambulance arrived and the decedent was transported to Southampton Hospital where he was pronounced dead at 1119 hours.

The aforementioned confrontation took place on the sidewalk, outside of Our Lady of the Hampton's School, on the east side of North Main Street, approximately 30 feet south of Railroad Plaza. The scene was photographed by DETECTIVE JOHN KEANE #913 of the Identification Section.

DETECTIVE SERGEANT TWINAME and DET. CICCOTTO, remained at the scene and were later joined by DETECTIVE DONNA GIORDANO #827. The undersigned detective responded to Southampton Hospital with LT. LEWIS and PHYSICIAN ASSISTANT ROBERT GOLDEN.

The undersigned detective observed as P.A. GOLDEN examined the decedent. Emergency Room personnel reported that the decedent arrived at the hospital fully clothed. His

FOUNDED	CASE STATUS	CHECK & ENTER ON REVERSE IF				
X YES _ NO		RECLASSIFICATION OF INCIDENT STOLEN OR RECOVERED PROPERTY				

NOTE: BOTE TELETYPE MESSAGE NUMBERS WITE DATES MUST BE OBTAINED AND ENTERED BY THE COMMAND REPORTING THE RECOVERY OF STOLEN/LOST PROPERTY

T.T. MESS. NO. REPORTING THE SPOLEN AND OR LOST PROPERTY	DATE SENT	T.T. MESS. NO	. CANCELING	DATE CANCELED	
REPORTUG APPIER S SICHARIE Det. Pasquale Albergo 183	13	SUPERVISOR'S D/Sgt. John Tw	iname #519 j	a - • -	
nne 1/1920			-en/	\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	

HATE OF REDECTION OF THE SUFFICIENT OF THE SUFFICIENTY OF SUFFICIENTY OF SUFFICIENTY OF SUFFICIENTY. CC NORBER U4-CV O4-65136 4/21/2004 3310

PAGES

CONTINUATION REPORT

DISTRIBUTION: Same as Initial Report

OF

PAGE NO.

clothes were removed and bagged by Emergency Room personnel. Emergency Room personnel also removed the plastic zip cuffs from the decedent's legs and handcuffs from the decedent's wrists. Charge Nurse, JOYCE WILSON, did not recall smelling pepper spray on the decedent's clothes or his body. The undersigned detective took possession of the decedent's clothing upon arrival at the hospital. These clothes were later packaged and invoiced to the Suffolk County Crime Lab. The decedent had been intubated and defibrilation had been attempted. P.A. GOLDEN reported that the decedent was in the very early stages of rigor mortis. The decedent had no obvious signs of serious head trauma. He did have some abrasions and contusions in the facial area. P.A. GOLDEN found no petechia in the eyes or injuries inside the decedent's mouth. The decedent had abrasions petechia in the eyes or injuries inside the decedent's mouth. The decedent had abrasions on his knees and a linear abrasion on the left side of his neck. There were contusions on the decedent's right flank which, possibly were the result of the stun gun application. There were also contusions on the decedent's wrists and bruising on his lower legs where the handcuffs and plastic zip cuffs had been applied. P.A. GOLDEN reported the decedent's rectal temperature was 100 degrees upon admission and 99.8 when P.A. GOLDEN conducted his examination. Neither the undersigned nor P.A. GOLDEN detected the odor of pepper spray on the decedent. Upon completion of the examination in the Emergency Room, the decedent was removed to the Suffolk County Medical Examiner's Office where an autopsy was to be performed.

The undersigned detective then returned to the scene where I took possession of a watch and books belonging to the decedent. I also took possession of a Taser International, Inc. Taser Gun, Model 26, serial #P3015300, and a Defense Technology Federal Laboratory pepper mace canister, Lot PMS056, serial #PMS6021075. The pepper spray and taser were used by the police officers when they subdued the decedent. The taser and pepper spray canister were invoiced to the Suffolk County Crime Lab.

On 2/04/04, the following people were interviewed in furtherance of this investigation:

CAROLYN CIRIGLIANO, DOB 5/17/43, 6 Sherwood Road, Hampton Bays, gave a sworn statement to DET. GIORDANO. MS. CIRIGLIANO stated that she was employed as a teacher at Our Lady of the Hampton's School. Sometime before 1100 hrs. on 2/04/04, MS. CIRIGLIANO was in her first floor classroom located on the west side of the school. She heard Yelling, looked out her window and saw several police officers restraining a man who was lying face down across the sidewalk with his head on the grass. The man's hands were behind his back and his feet appeared to have been bound. She observed an officer holding each arm and a third officer at the man's legs. Suddenly, the man became still. The officers turned him over, moved him totally onto the sidewalk and began C.P.R.. MS. CIRIGLIANO saw other officers and a woman from the ambulance crew arrived and assisted with First Aid. MS. CIRIGLIANO stated at no time did she see the officers strike the man.

JULIE COSGROVE, DOB 7/13/65, of 6 Silas Carter Road, Manorville, gave a sworn statement to DET. CICCOTTO. MS. COSGROVE also was employed as a teacher at Our Lady of the Hampton's School. MS. COSGROVE stated that at about 1045 hrs., she was in the school driveway when she heard yelling. She walked out toward North Main Street and saw three police officers standing around the man. It was the man who was screaming. MS. COSGROVE saw the man step up to OFFICER MARLA DONOVAN and push her to the ground. MS. COSGROVE turned to walk away fearing the man was coming towards her. When MS. COSGROVE looked back, she saw OFFICER DONOVAN getting up and the other two officers wrestling the man down to the ground. While the officers were restraining the man, he kept bucking his head and kicking his feet. MS. COSGROVE stated the officers struggled with the subject for three to five minutes. MS. COSGROVE became concerned that the subject might escape from the police so she went back into the school to make sure the doors were locked. MS. COSGROVE then went to the nurse's office, looked out the window and saw the man motionless on the ground with someone performing C.P.R. on him.

SANDRA MARTINELLI, DOB 5/15/69, of 12 Artist Lake Blvd., Middle Island, gave a sworn statement to DET. GIORDANO. MS. MARTINELLI is a school teacher at Our Lady of the Hampton's School. She stated that between 1030 and 1100 hrs., she looked out her window and saw four police officers around a man with long, dark hair. MS. MARTINELLI closed the blinds because students were entering her room. Two minutes later, she heard yelling outside. MS. MARTINELLI looked out and saw the police officers holding the man down on the ground. The man was yelling incoherently and attempting to get up. MS. MARTINELLI had students in her room so she could not stand at the window. The next time she looked

REPORTING OFFICER
Det . Pasquale Albergo #/83

SUPERVISOR

D/Sgt., John Twiname #519 ja

PDCS 1083a

Filed 11/30/09 Page 72 of 164 PageID #: 1835 FOLICE DEPARTMENT, COUNTY OF SUFFOLK, N.Y. CC NUIBER DATE OF REALT COMMAND 04-65136

4/21/2004 3310

OF

PAGES

CONTINUATION REPORT

DISTRIBUTION: Same as Initial Report

PAGE NO.

out the window, she saw that the man had been rolled over on his back with a police officer checking for breath. She then saw a woman with a blue duffle bag run over. She again, looked away. When she looked back, she saw someone performing C.P.R. on the man. Finally she saw the man placed in an ambulance.

PATRICIA POPE, DOB 1/21/41, of 48 Lumber Lane, Bridgehampton, gave a sworn statement to DET. GIORDANO. MS. POPE also is a teacher at Our Lady of the Hampton's School. MS. POPE stated that sometime between 1000 and 1100 hrs., she looked out her window and saw P.O. MARLA DONOVAN and several other police officers talking with a man with long hair. She then saw the man push P.O. DONOVAN. The other officers then grabbed the man and wrestled him to the ground. The man was face-down, the officers were attempting to handcuff him and the man was yelling and fighting them. MS. POPE saw one of the officers crouch down on one knee at the man's feet. That officer had something black in his hand. MS. POPE stated she had to pull the shade down because children were entering the room. When MS. POPE no longer heard yelling, she looked out and saw the police officers performing C.P.R. on the man. She then saw MELISSA CROKE of Southampton Village Ambulance arrive and assist the officers. She again moved away from the window. The next time she looked out, the yellow tape was up.

MICHAEL MARYON, DOB 9/19/74, of 27 Grassmere Drive, Mastic Beach, gave a sworn statement to the undersigned detective. MR. MARYON stated he was doing a plumbing job at 137 North Main Street, when at approximately 1030 hrs., he heard screaming. He looked over and saw several police officers holding a man down on the ground. He got his digital camera and began taking photos of the police performing C.P.R. on the man. Sometime later, he gave the computer card from his camera to a Southampton Village Police Officer. This 16MB XD Olympus picture, was turned over to DET. KEANE who caused a copy to be made. The original is being maintained in the case file.

MELISSA "MISSY" CROKE, DOB 11/02/53, of 241 Main Street, Southampton, was interviewed by the undersigned detective. MS. CROKE is the Chief and First Responder of the Southampton Village Volunteer Ambulance. MS. CROKE stated she responded directly to the scene after receiving the rescue call. She arrived at the scene at 1044 hours. observed the decedent face-down on the ground, handcuffed behind his back, his legs were restrained by plastic handcuffs. The officers were in the process of turning the decedent over. They found the decedent was not breathing and had no pulse. C.P.R. was started.
MS. CROKE attempted to defibrilate the decedent several times, but she received a No Shock
message. C.P.R. was continued and the decedent was transported to Southampton Hospital.
MS. CROKE advised the original call received by Southampton Ambulance Squad was to assist with a psychiatric patient. MS. CROKE further reported that the decedent was not being physically restrained by officers when she arrived. The original call for an ambulance was received at 1042 hours. The ambulance was on route at 1045 hrs. and arrived at the scene at 1047 hours. The decedent was transported at 1056 hrs. arriving at the hospital at 1059 hours.

The officers involved in the struggle with DAVID GLOWCZENKI were SERGEANT ARTHUR SCHUCHT #219, POLICE OFFICER MARLA DONOVAN #225, POLICE OFFICER BRIAN PLATT #232, and POLICE OFFICER CHRISTOPHER WETTER #233. Each of these officers submitted written reports on this incident. These reports were made part of the case file.

SERGEANT SCHUCHT reported that he and OFFICERS PLATT and WETTER, had responded to the first radio call involving the decedent at 0915 hrs. on 2/04/04. The call was a request to assist the GLOWCZENSKI family in getting the decedent treatment for his psychiatric problems. Upon responding to the GLOWCZENSKI home at 70 Layton Avenue, Southampton, the officers were told by THEODORE GLOWCZENSKI that the family would seek treatment on their own and they no longer needed police assistance. The second call for assistance was received at 1031 hours. The caller reported that the decedent was disturbed and hearing voices, and that he had left the house. In response to the second call, the decedent was first encountered by P.O. DONOVAN at 1035 hours. P.O. DONOVAN observed the decedent walking in front of Our Lady of the Hampton's School. When the decedent saw P.O. DONOVAN, he first started to run away, then stopped. POLICE OFFICERS PLATT and WETTER arrived at the scene just as P.O. DONOVAN was attempting to stop the decedent. The three officers then engaged the decedent in conversation in an attempt to get him psychiatric help. SERGEANT SCHUCHT arrived and joined the officers. The decedent began to get more agitated and attempted to get away from the officers. The decedent attempt to stop the decedent resulted in a physical struggle. P.O. DONOVAN, SGT. SCHUCHT REPORTING OFFICER

SUPERVISOR
Det. Pasquale Albergo 1783

D/Sgt. John Twiname #519 ja

- D/ \$519/33-179.7/91cs

Filed_11/30/09_Rage,73 of 164,PagelD.#61,836,.y. RT COMMAND DATE OF RI CC NUMBER 4/21/2004 3310 O 4-65136

PAGES

CONTINUATION REPORT

DISTRIBUTION: Same as Initial Report

PAGE NO.

OF

and the decedent fell to the ground during the struggle. SERGEANT SCHUCHT and P.O. DONOVAN were having a great deal of difficulty handcuffing the decedent. SERGEANT SCHUCHT directed POLICE OFFICER PLATT to remove the taser probes from his taser and use the taser to stun the decedent with the hope that this would put a stop to the decedent's combativeness. POLICE OFFICER PLATT applied the taser several times, with no effect. POLICE OFFICER WETTER then sprayed pepper spray into the decedent's face. This also had no effect. The decedent continued to struggle with the officers who were eventually able to get the decedent's hands behind his back and handcuffed him using two sets of handcuffs. They then used a third set of handcuffs to secure the handcuffs on the nandcurrs. They then used a third set of nandcurrs to secure the handcurrs of the decedent to the decedent's belt. The decedent continued to struggle kicking out at the officers. SERGEANT SCHUCHT then called for an ambulance. It is procedure to have any individual who was subjected to pepper spray or taser application, examined at a hospital. The decedent was moved off a patch of ice onto the grass, next to the sidewalk. The decedent continued screaming and kicking out at the officers. LIEUTENANT HOWARD LEWIS and DET. HERMAN LAMISON, arrived at the scene as this was happening. They assisted the officers by retrieving a plastic zip cuff which P.O. PLATT used to the decedent's feet. The decedent then became guiet. Just as this occurred. Southampton Village feet. The decedent then became quiet. Just as this occurred, Southampton Village Volunteer Ambulance First Responder, MELISSA CROKE, arrived at the scene. As previously noted, MS. CROKE arrived at 1044 hours. The decedent was turned over and found to be unresponsive. C.P.R. was initiated and defibrilation was attempted. The decedent was transported to Southampton Hospital, accompanied by P.O. DONOVAN who was assisting with the C.P.R..

On the evening of 2/04/04, the undersigned detective and D/SGT. TWINAME, spoke with MARY JANE and THEODORE GLOWCZENSKI in their home at 70 Layton Avenue, Southampton. The GLOWCZENSKIS' reported that the decedent's doctor, DOCTOR SATISH, had recently changed the decedent's medications. About two weeks prior to this incident, the decedent read an article that reported his now medications might cause dishetes. article that reported his new medications might cause diabetes. MR. GLOWCZENSKI reported that around the time of the article, the decedent had been hospitalized with high blood pressure and high blood sugar. MR. GLOWCZENSKI believed this article and his son's diagnosis caused the decedent to stop taking his medications. As a result of not taking his medications, the decedent was unable to sleep, he began hearing voices and became manic. MR. GLOWCZENSKI reported that his son suffered from manic depression. Attempts were made to get the decedent into the hospital where he could get the proper medications. were made to get the decedent into the nospital where he could get the proper medication. The morning of 2/04/04, the decedent left the house in an agitated state. The family called the police. The decedent returned to the house without police assistance. When this occurred, the GLOWCZENSKI family decided to attempt to get the decedent to the hospital without police assistance. The police left. Later in the morning of 2/04/04, the decedent again left the house in an agitated state. The family again called the police for assistance. This call resulted in the police encounter.

On 2/06/04, the undersigned detective spoke via telephone with the decedent's PROBATION OFFICER, HELEN MECAGNI. PROBATION OFFICER MECAGNI reported her last contact with the decedent was on 1/12/04. MS. MECAGNI reported that the decedent appeared to be in good mental and physical condition at that time. P.O. MECAGNI further reported that the decedent had completed a rehabilitation at Lake Grove Treatment Center on 9/16/03. Upon completion of this rehabilitation, the decedent had been released to a sober house at 163 Cedar Road in Mastic. P.O. MECAGNI further reported that part of his probation was that he stay away from his family because the decedent had assaulted his brother, TEDDY GLOWCZENSKI.

On 2/06/04, the undersigned detective spoke with DOCTOR JAMES WILSON of the Suffolk County Medical Examiner's Office. DOCTOR WILSON was the Assistant Medical Examiner who performed the autopsy on DAVID GLOWCZENSKI. DOCTOR WILSON reported finding several contusions and abrasions on the decedent's face, wrists, knees and torso. DOCTOR WILSON stated these contusions and abrasions were superficial in nature. DOCTOR WILSON found no significant trauma which includes fractures and hemorrhaging. DOCTOR WILSON reported that there was no evidence that the decedent had been choked or struck. He attributed the contusions and abrasions to struggle and the stun gun application. DOCTOR WILSON pended his findings until further tests were to be completed. These tests were to include an examination of a portion of the decedent's brain by an expert on Excited Delirium.

Suffolk County Crime Lab ANALYST ROY SINEO examined both the Taser Model #26 and Armor Holdings Company Pepper Mace, and submitted a report on 2/11/04. He found both to He reported that the pepper mace is a 5.5% solution. He also reported that

be operative He representation REPORTING OF ILER Det. Pasquale Albergo #783

SUPERVISOR

D/Sgt. John Twiname #519 ja

Ge 74 of 164 PageID #: 1837 OCUMENT 118-3 CC NUMBER DATE OF B O4-65136

PAGES

4/21/2004 3310 OF

CONTINUATION REPORT

DISTRIBUTION: Same as Initial Report

PAGE NO.

the Crime Laboratory is not equipped to test the output of the taser. That same day, the undersigned detectives spoke with ANDREW HINES of Taser International. MR. HINES reported that the Taser Model #M26 cannot be modified. It is a self-contained, sealed unit. If in fact the taser malfunctioned and the amperage increased, the internal electronics would burn out before extra amperage could be deployed. The pepper mace and taser are to remain secured in case it is determined that further examination is necessary.

On 4/21/04, the undersigned detective interviewed THOMAS CAMPBELL, DOB 9/20/49, of 78 Sebonaco Road, Southampton. MR. CAMPBELL was one of the volunteer ambulance crew that responded to the incident on 2/04/04. MR. CAMPBELL reported that upon arriving at the scene, he saw police officers turning the decedent onto his back. He assisted with First Aid which included an attempt to defibrilate the decedent. MR. CAMPBELL performed chest compressions on the decedent all the way to the hospital. MR. CAMPBELL stated that upon arrival at the hospital, the handcuffs were removed in the Emergency Room by hospital personnel and that nurse WILSON, cut off the plastic zip restraints on the decedent's legs. MR. CAMPBELL stated that he did not detect the odor of pepper mace on the decedent while he performed C.P.R..

It is the undersigned detective's opinion after reviewing all the facts available which include eyewitness statements, officer statements, scene investigation, personal examination of the decedent, available autopsy results, medical reports and police procedural policy reports, that the officers involved used only the force necessary to effectively subdue a dangerous individual. The officers first attempted to talk the decedent into seeking help. The situation quickly escalated into a physical confrontation which was initiated by the decedent who pushed aside an officer in an attempt to get away. The officers had to consider the close proximity of a school in session and the danger the decedent posed to the school children and the general public. There is no eyewitness report nor physical evidence that the officers used undue force. The officers used the stun gun and pepper spray only after they were unable to restrain the decedent. The officers did not strike the decedent nor did they apply choke holds. The force they used is well within the guidelines of Southampton Village Police Department policy on the use of physical force. It is for these reasons that in the undersigned detective's opinion, the decedent's death, however tragic, is not criminal.

This case is to remain ACTIVE until such time as a final Medical Examiner's Report is completed.

REPORTIN bergo #783 Det. Paso

SUPERVISOR D/Sgt. John Twiname #519 ja

COUNTY OF SUFFOLK



STEVE LEVY SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES
Brian L. Harper, M.D., M.P.H.
COMMISSIONER

DIVISION OF MEDICAL-LEGAL INVESTIGATIONS & FORENSIC SCIENCES
SIDNEY B. WEINBERG CENTER
FOR FORENSIC SCIENCES

CHARLES V. WETLI, M.D.

ACCREDITED BY ABFT, ASCLD/LAB & NAME

Date: November 5, 2004 Re: Your CC# 04-65136

Name: DAVID GLOWCZENSKI

Our File #: 04-0487

COMMAND #3310, HOMICIDE YAPHANK AVENUE YAPHANK, NY 11980

Detective Albergo #783

The death was certified as:

ACUTE EXHAUSTIVE MANIA DUE TO SCHIZOPHRENIA NATURAL

Sincerely yours, Charles V. Curkli, M.D. / He

Charles V. Wetli, M.D. Chief Medical Examiner

Ethanol Level:

ETHAN

DRUGS

CVW/hc:

9,000

Page lof a Pages Patricia Pape being duly sworn deposes hat I am 63 years old and I was be live at 48 Lumbar Lane, Bridgehampton. to fourth grade teacher at Our Lady o Hamptons School, 160 N. Main St., Southampton. have worked for the school for 25 years was in my classroom which is floor at the northwest corner of my class room, maybe thirty feet away, where miets the grass saw Officer Marla other officers talking to a man with long hair. man with the long hair went to leave and Officer Donovan. other officers They struggled with him on the ground man was fair down and Kept moving and Kicking The officers were trying thim and officer croached down on one Knee feet, the officer had something black I'm not sure if it was a gun, stungur. a radio. The officer was about Toot away from the man on the floor with the long hair officer do anything with the er officers were trying to hand was still struggling and yelling Lana Derelana Act 827

of Patricia Pape awan man wash The classroom compressions one ot ambulance Croke of Southampton whire moved the window DONNA C. GIGRDANO NOTARY PUBLIC, STATE OF NEW YORK NO. 01G16057518, SUFFOLK COUNTY TERM EXPIRES APRIL 18, 200') Dexna Levelano Det 827

Carolyn Cirigliano being duly sworn am 60 years that school , sometime before turned around hisbunic make Keav lonovan was closest

Statement of Cavolyn Cirigliano Page 20 f 3 Pages Knealing to the man's right side holding his right arm. The man's arms were behind his ball but I don't if he was handcuffed or not. Another officer, with halding head (greying hair)
was on the opposite side of the man neur his had. A third officer was at the man's legs. It looked as if the officers were restraining him. The mun stopped yelling for a few seconds and then continued again and the officers held on to him At some point the man became quiet for a longer period of time, maybe for about a half a minute. The officer by the man's head pulled his hair to move his head, which was facing away from me, or he brushed the hair away from his face and checket for a palse. The officers turned The man over and put him on his back and moved his shirt. The man was now lying completing on the sidewalk which was a Flat surface and they began to do (C.P.R chist compressions. Other officer's were · Coming and I saw a woman from the ambriance there. Someone also was administering oxugen to mun Officer Donovan put gloves on to help the man When they first turned the man over LCLANGER #927 X Carlin Condian

Statement of Carolyn Cirigliano Siver to before me thy 4th day of Feb 2004 DONNA C. GIORDANO NOTARY PUBLIC, STATE OF NEW YORK NO. 01GI6057518, SUFFOLK COUNTY TERM EXPIRES APRIL 18, 2007

DDCG 7100 A

I Julie Cosque bing duly swarn deposes and says I an 38 years old. I was born on 7/13/ I live at 96 Silas Carter Rd. Manerville. music Leacher at Our lady of the Hampton School, 160 No. Main St., Southampton Village. Today I was working at the school when I outside by the school driveway to cigarette. This was at about 10:45 am. I got outside I heard yelling but I west corner of the school. man with brown hair icer Perovan (C) they were to I was steaming but remember the police officers yelling. The man went up to Police Officer Marla Ponovan, who to walk away because I I, saw Police Officer Dorovan getting up off the ground and wiping herself off The and putting him down to the ground. The man was screaming, but it was total jibber, jabber. I coulch't understand any thing the man was jelling When (conserves) SWOLD TO BEFORE ME FEB. 4, 2004

SWOLD SCATEMENT OF COUNTY OF SUFFOLK, N.Y. PACE ZOFZ ficers got SWOLD TO BEFORE ME

> ALFRED M. CICCOTTO NOTARY PUBLIC, STATE OF NEW YORK NO. 01CI5074751, SUFFOLK COUNTY TERM EXPIRES 3/24/67

Martinelli being duly rwarn deposes coys I an 34 years old. I math teacher at Our lady of the Hamptons School, 160 No. Main St., Southampton. I been working there since September, Today between 10:30 and 11:00 an I darroom at the school which is on the first floor. I saw abou cops standing around a man wit dark hair. They were standing about ton my window. Students shut the blinds. hearing a lot of yelling outside words. I dall soon windows, which were still was about two minutes after closing the point. The police offices were trying to down The man looked like he was he was yelling in coherently. I 1 ch 7 stand I kept peeking out the window. The Swoen 5 secons up () (ce roll him (cont. page 2) FEB. 4, 2004

Case 2:04-cv-04052-SIL/ Document 118-3 Filed 11/30/09 COUNTY OF SUFFOLK, N.Y. SWOAN SCHEMEN OF 2062 SWOLD TO BEFORE ME ALFRED M. CICCOTTO NOTARY PUBLIC, STATE OF NEW YORK NO. 01CI5074751, SUFFOLK COUNTY TERM EXPIRES 3/24/07

·

STATE OF NEW YORK

COUNTY OF SUFFOLK

FOWN OF SOUTHAMPTON | 8.5:

VILLAGE OF SOUTHAMPTON }

Statement of Patricia Carlson Date: February 6, 2004 Time: 1130 hours

C.C. #0801-04

1 Patricia Carlson being first duly sworm depose and say that I am 67 years of age born on I live at 4174 Beacon Place, Discovery Bay California where my telephone number is I m talking to Detective Lamison whom I am freely and voluntarily given, with out any consideration given of promises being made to induce this statement and with the knowledge that it can be used in a criminal prosecution.

I have been up from California for a couple of weeks helping my mother, Dorothy Schoen d.o.b. 10/3/1918 of #155 Elm Street, Southampton, prepare to sell her home and move to California. On Wednesday February 4, 2004 at about 9:30 a.m. I was sitting in the living room with my mother waiting for Despatch, the moving company, to come and pick up some things that we had packed. As I was sitting on the couch a large white male with long hair appeared at the living room window. There were no window coverings on the windows. The man looked like Charles Manson. I went over to the front door and opened it to see who it was. I thought it was the moving men, but when I confronted the man he just starred at me without saying anything. I became very uncomfortable and frightened, so I immediately rushed back into the house and locked the door and went to the back of the house to lock the other doors. I then picked up the telephone and called 9-1-1. As I was calling the police I went back into the living room with my mother with the phone in my hand and the man was still starring into the window. I was hoping the man would leave when he saw me on the phone but he didn't leave immediately. The police arrived within a minute or two and the man had gone. I told the police what had happened and asked them to check the house in the back of my mother's property to make sure the man wasn't there. make sure the man wasn't there.

After talking with my mother we both recognized the man to be David School Glowczenski of Layton Avenue. When I used to live in Southampton about 30 years ago, I lived on the corner of Layton Avenue and Elm Street and David used to come over to my house to play with my son.

I can read and write the English language and I have read this two page statement and I swear it to be all true.

Sworn to me this 6^{th} ,

Day of February 2004 HERMANIAMISON IR. Notary District State of New York

Notary 15 the, water or new tark the OTEAsocial 233, Settlet County Commission Expires June 30

EXHIBIT NOT INCLUDED TRANSCRIPT OF TESTIMONY IS IN POSSESSION OF ALL PARTIES'

COUNSELS

EXHIBIT KK

EXHIBIT LL



CC# 80**9**3-04 Time: 10:31AM

Supplemental Report of PO Christopher Wetter 233

This report is given for departmental purposes only at the direction of Lt. Howard Lewis 215.

The undersigned officer, PO Platt, PO Donavan and Sgt. Schucht responded to the area of North Main Street in front of the Our Lady of the Hamptons School for a male subject in an emotionally deranged state. The undersigned officer while north bound on North Main Street did observe Po Donovan attempting to stop a male subject matching the description of the subject in question. At that time PO Platt was exiting his patrol vehicle and was walking towards PO Donovan and the male subject. The undersigned officer then did exit unit 144 and walk up to the male subject. PO Platt was talking to the male at this time known to the undersigned officer as David Glowczenski. David was upset and PO Platt and Po Donovan were telling him that we were there to help him and that he was not under arrest. Po Platt said to David that we were advised by his family that he was off his medication and that we would help him get to a hospital to get back on his medication. At that time David's demeanor changed and he seemed to the undersigned officer that he was thinking how he could run and get away from the officers. Sgt. Schucht did then arrive at the scene and told David that we were going to help him. David then turned towards PO Donovan and swung his left arm at her head. PO Donovan moved away from David and Sgt. Schucht, Po Platt and the undersigned officer did grab David and take him to the ground. David became very combative and violent and the undersigned officer and Sgt. Schucht were yelling at him to calm down and to give us his hands, to put in handcuffs. David was refusing to physically give up his hands and at that time PO Platt did use a Taser on him. David continued to fight with the officers and the undersigned officer did deploy OC in his face. The struggle continued and Sgt. Schucht and PO Donovan were able to get one handcuff on one of his hands and eventually another pair of handcuffs on his other hand, connecting both sets of cuffs. The undersigned officer then with a third set of handcuffs did cuff the two sets of handcuffs to his belt rear center belt loop. David was still combative and kicking PO Platt when the undersigned officer yelled to Det. Lamison and LT. Lewis to grab a zip-tie out of the undersigned officers hat in patrol vehicle 144. Det. Lamison did retneve same and PO Platt did place the zip-tie on David's feet to control same. At that time all officers did get off of David and he did stop struggling. Sgt. Schucht did request an ambulance for him to transport him to Southampton Hospital to be treated for OC contact and Taser contact. At that time First Responder Missy Crooke did arrive on the scene and with help from the undersigned officer did roll David from his chest to his back. David was unresponsive. The undersigned officer did then check for breathing, noticed none and started CPR. The ambulance pulled up and ambulance members started to help with David. David was loaded into the ambulance and taken to Southampton Hospital. The undersigned officer did then respond to the hospital for treatment were it was learned that David Glowczenski was pronounced dead.

Po Christopher Tiletter 233

ELL 1 wedden

EXHIBIT MM

5 February 2004

To: Lieutenant H. Lewis #215

From: Sgt. A. Schucht #219 57 646 PAG 215

Re: Use of Force/ 04-0801; 04-0803

The reporting officer while responding to a call of an emotionally disturbed person did authorize the use of force in the form of Taser Equipment as approved by Southampton Village Police Department Guidelines.

Further, the reporting officer authorized the use of OC Pepper Spray to the emotionally disturbed person as approved by Southampton Village Police Department Guidelines.

5 churcht too Esh? 4 February 2004

To: Lieutenant H. Lewis #215

From: Sgt. A. Schucht #219

Re: 04-0801; 04-0803

Schuckt

On the above date, the reporting officer was assigned to work a 9am-5pm shift working in Headquarters.

Soll les us

At approximately 0915, the reporting officer did hear a call on the Police radio of a disturbance at 70 Layton Avenue involving a possible emotionally disturbed person at that location. The reporting officer met with Officer Wetter prior to arriving at the scene and was advised that the person involved was one David Glowczenski.

The reporting officer, along with Officer Wetter and Officer Platt did respond to the residence where we were met by a household member, Ted Glowczenski. Ted Glowczenski advised the responding officers that the family was going to try to get David into a treatment program, possibly Greenport Hospital.

At this point Officer Wetter advised Ted Glowczenski that if he needed any further assistance to call the Police Department again. At this point all responding officers left the scene and completed the call for service.

Approximately one hour later, the reporting officer heard a radio call about David Glowczenski leaving the house at 70 Layton Avenue in a rage and was out of control according to the caller. Further monitoring of the radio revealed that Officer Donovan had made contact with David Glowczenski on North Main Street in front of Our Lady of the Hamptons School.

The reporting officer responded to the scene and observed that Officer's Wetter, Platt and Donovan were engaged in conversation with David Glowczenski. The reporting officer also engaged in a short conversation with David Glowczenski in an effort to get David Glowczenski to seek medical help.

At this point David Glowczenski began to move away from the reporting officer. The reporting officer did grab David Glowczenski's left arm in an effort to stop his movement. David Glowczenski did stop and the reporting officer told him to calm down, take a deep breath and let's talk about the situation.

David Glowczenski then moved in the direction of Officer Donovan and Officer Donovan then grabbed him. The reporting officer did then kick David Glowczenski's legs in an effort to subdue his actions on the ground. David Glowczenski did fall to the ground along with Officer Donovan and the reporting officer

At this time, the report officer did attempt to place handcuffs on David Glowczenski with the assistance of Officer Donovan. David Glowczenski was extremely enraged and was kicking and screaming during the entire incident.

The reporting officer observed Officer Platt by David Glowczenski's legs. Officer Platt had a taser gun pointed at David Glowczenski's right leg. The reporting officer told Officer Platt to take the taser probes off and use the equipment without the probes. Officer Platt did this and did use the taser equipment on the lower right back of David Glowczenski several times. The use of the taser equipment was ineffective in subduing David Glowczenski. Officer Wetter did then use OC spray in the face of David Glowczenski in an effort to stop his combative behavior.

Within a short time, the reporting officer, with Officer Donovan did handcuff David Glowczenski's left hand. The reporting officer observed David Glowczenski reach for the gun belt of Officer Wetter with his right hand. The reporting officer grabbed the right hand of David Glowczenski with the help of Officer Platt. The reporting officer was unable to handcuff the two hands of David Glowczenski using one set of handcuffs.

The reporting officer did take a second set of handcuffs and placed them on the right hand of David Glowczenski. The reporting officer then secured David Glowczenski's hands by connecting the two sets of handcuffs together. During this entire procedure, David Glowczenski was extremely agitated and was still screaming.

At this point, the reporting officer called on the radio for an ambulance to respond as is standard operating procedure when a subject is either given OC Spray or taser equipment is used.

David Glowczenski was still lying on the ground and Officer Platt asked David Glowczenski if he would like to be moved off the ice and onto the grass. David Glowczenski replied "Yes" and Officer's Platt and Wetter began to move him. At this point David Glowczenski started to become combative again by kicking his legs.

Lieutenant Lewis and Detective Lamison arrived on the scene a short time later. Officer Wetter asked Detective Lamison to get a zip tie from Officer Wetter's patrol vehicle so that David Glowczenski's legs would have restricted movement. The reporting officer is not aware who tied up David Glowczenski's legs.

Approximately 30 seconds later, the Southampton Village Volunteer Ambulance First Responder arrived at the scene. This person was Missy Croke, a member of the Southampton Village Volunteer Ambulance. Missy Croke asked to have David Glowczenski turned over and it was observed that David Glowczenski was not responsive or breathing.

Officer Wetter, Officer Donovan, and Missy Croke immediately began CPR. The reporting officer radioed to Headquarters to expedite the ambulance.

The Southampton Village Volunteer Ambulance arrived a very short time later and took David Glowczenski to Southampton Hospital.

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Filed 95 of 164 PageID #: 1858
The reporting officer did ce crime scene tape around the all at the direction of Lieutenant Lewis.

Approximately 20 minutes later, the reporting officer and Officer Platt were taken to Southampton Hospital by Lieutenant Cummings. The reporting officer was checked by hospital staff personnel for ingestion of OC Spray, an injury to the left knee, and right elbow.

The reporting officer was released from Southampton Hospital at approximately 1500 hours. The reporting officer then responded back to Police Headquarters for requisite paperwork.

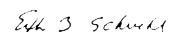
Arthur Schrelit

Case 2:04-cv-04052-SIL__Document 118-3 Filed 11/30/09

Order #: 32 ate: 04/01/2003

Category: GENERAL ORDERS

Title: USE OF FORCE/DEADLY PHYS FORCE



age 98 of 164 PageID #: 1859

Text: This revision replaces General Order 15 and the Appendage to General Order 32 regarding Use of Force Reporting and consolidates them into to this General Order.

I. FORCE: Use of force by members of the Inc. Village of Southampton Police Department.



- A. In our complex society, law enforcement officers are confronted daily with situations where control must be exercised to effect arrests and to protect public safety.
- B. Control may be achieved through mediation, advice, warnings, persuasion, or in extreme situations, by the use and application of the appropriate physical force.
- C. If physical force is used when not required, or is unreasonable in degree, it is usually construed as brutality and is considered to be the ultimate in discourtesy, misconduct and abuse of authority.
- D. Physical Force may be used when the exercise of mediation, advice, and/or warning is found to be insufficient to obtain cooperation and control. Such physical force, if used, shall be the minimum force reasonably necessary for the particular situation, and shall be reasonable in degree to the extent that it is necessary to effect cooperation and control of a particular incident.
- E. Under no circumstances will such force exceed that provided for by Section D above and State and Federal Statutes.
- F. The amount of force used or the methodology employed to secure compliance with the law, or to effect an arrest, is governed by the situation and similar circumstances will require similar response for all groups and individuals. An officer must remain alert however, and may be called on to exercise additional patience and understanding in those situations where language or cultural differences might be mistaken for resistance to enforcement of the law.
- II. METHODOLOGY FOR ACCOMPLISHING USE OF FORCE.
- A. Articulate- Attempt to communicate with the person or persons involved in a particular situation.
- B. Physical Force- Only if necessary for a given situation Members of the force will utilize their physical strength, skills, and training in self-defense.

Order #: 32 te: 04/01/2003

Category: GENERAL ORDERS

Title: USE OF FORCE/DEADLY PHYS.FORCE



C. Advanced Taser M26

1. Only officers trained and certified in the use of the department Taser will carry such in their assigned vehicles while on patrol. The Sergeant or Officer in Charge (OIC) of the shift will assign a qualified Taser operator to deploy the Taser during the shift. Tasers will be deployed only in accordance with department policy regarding use of force, certified training and the procedures contained herein.

- 2. When not in use the Taser and two (2) air cartridges will be secured in the main floor weapon storage locker labeled #9 and the key to said locker will be secured within the communications section key box.
- 3. Tasers will be kept in their carrying case while within the assigned vehicles and all officers will protect them from damage and theft. At the end of each tour, the Taser operator will turn the Taser kit over to their Sergeant or OIC to be inventoried and tuned over to their relief or secured as prescribed above.
- 4. The Taser kit shall consist of the following: (1) M26 Advanced Taser and carrying case, (2) crosshatched air cartridges, (1) magazine of NIMH batteries, (1) magazine of emergency use alkaline batteries and (1) encapsulated sample probe.
- 5. Prior to placing the Taser into service, officers will perform a battery check to ensure their assigned Taser is properly functioning. Prior to performing the battery check, the Taser will be inspected to make sure there is not an air cartridge already affixed. If an air cartridge is present, it will be removed before the battery check is performed, preventing an accidental discharge of the air cartridge. The Taser will be carried within the case and the air cartridge will be affixed only when an actual confrontation is imminent. During the battery check a fast pulse rate of approximately 15-20 pulses per second will be observed if the NIMH batteries are functioning properly.
- 6. Should the battery malfunction, the assigned officer shall advise the department Armorers Unit for inspection of the Taser and to obtain a NIMH battery magazine replacement or an emergency alkaline battery magazine if a NIMH battery magazine is not available.
- 7. In the event a cartridge is used, a replacement will be requested from the department Armorers Unit.
- 8. Should the Taser be used, the Taser operator will voucher the spent air cartridge as evidence per normal department procedures.
- 9. If the Taser is used the probes may be removed from the defendant as per department training guidelines. If the Taser probes have lodged in a sensitive area of the defendant's body, particularly the head, neck or groin, the defendant will be taken to the hospital for probe removal by medical personnel. The officer will show the attending physician the encapsulated probe from the Taser kit and appraise the physician of any

Case 2:04-cv-04052-SIL__Document 118-3 Filed 11/30/09 Page 98 of 164 PageID #: 1861

Order #: 32 te: 04/01/2003

Category: GENERAL ORDERS

Title: USE OF FORCE/DEADLY PHYS.FORCE

secondary injuries sustained by the defendant as a result of the Taser deployment.

10. The use of the Taser is to be considered a Use of Force. As such a Use of Force Report will be completed as per the provisions of this General Order.

D Oleo Resin Capsicum (O.C.)

- 1. Oleo Resin Capsicum may be carried by all full time police officers and any part time police officer authorized by the police department.
- 2. The department will provide its members with training in the proper use of O.C. Members of the department are to follow the procedures outlined in said training and all—applicable department guidelines when using O.C.
- 3. A Member of the Force who discharges O.C. will have the subject to whom the O.C. was applied examined by a physician immediately after obtaining control over and custody of the subject. Appropriate medical aid will be given and if practical the subject's face will be flushed with cold water.
- 4. A Member of the Force who discharges O.C. under any circumstances will submit a written report as per the requirements for Use of Force Reporting established in this General Order.
 - 5. The application of O.C. is to be considered a use of force.
 - 6. The unauthorized or improper use of O.C. is prohibited.
- E. Mace and Chemical Agents other than O.C.
 - Mace or Chemical Agents will NOT be intentionally used on ANIMALS or INTOXICATED PERSONS.
- 2. When mace, or a chemical agent other than O.C. is used, the person the agent was applied to will be brought for medical evaluation to the hospital as soon as they are in custody and under control. The use of Mace or a Chemical Agent is to be considered a Use of Force, as such a Use of Force Report will be completed as per the procedures contained in this General Order.
- F. Night Stick, Baton, Monadnock PR-24, ASP Expandable Baton
 - The aforementioned instruments are to be considered dangerous when not used properly. Therefore, only those members who have been trained shall be authorized to carry same. The department will train members in the appropriate use of these instruments.

Order #: 32

Category: GENERAL ORDERS

Title: USE OF FORCE/DEADLY PHYS.FORCE

These instruments should be utilized on the sensitive areas of the body (i.e. ankles, knees, shins, hands, wrists, elbows) At no time will a subject be struck above the shoulders.

- 3. The use of the above impact weapons should be considered a Use of Force and as such a Use of Force Report is to be completed as per the provisions of this General Order.
- 4. The above instruments should be used only when less violent methods of apprehension have failed, and an arrest must be effected. It should be used only for self-defense and/or the defense of others.
- G. Members of the department are hereby prohibited from using and possessing the following instruments:
 - Blackjack
 - 2. Sap-sap gloves
 - 3. Chains (come alongs)
 - 4. Any other article, substance or instrument not authorized by the Chief of Police.

III. USE OF DEADLY PHYSICAL FORCE: NECESSITY

The use of deadly physical force by members of the Department is governed by the New York State Penal Law, Article 35 Defense of Justification as affected by the United States Supreme Court Decision Tennessee Vs. Garner. Members of the Department are to be governed by the following guidelines regarding the use of deadly physical force:

- A. The amount of force should be the minimum amount necessary to accomplish a mission and such force shall not exceed that provided for by statute.
- B. A member of the department will use every reasonable alternative before resorting to the use of deadly physical force.
- C. Deadly physical force may only be used under the following circumstances:
 - 1. In defense of self, or another against deadly physical force, or
 - When necessary to prevent the escape of a fleeing felon and where reasonable cause to believe exists that the felon(s) poses a significant threat of death or serious physical injury to the member or other person(s).

Category: GENERAL ONDERS

Title: USE OF FORCE/DEADLY PHYS FORCE

IV. FIREARMS -INTRODUCTION

As law enforcement officers sworn to protect life and property, to prevent crime and apprehend offenders, we must constantly be aware of the sanctity of human life. Therefore, the guidelines listed below have been developed to make it incumbent on an officer to use good judgment before using his firearm, not to restrict him from property performing his duty. The guidelines have been prepared to avoid unnecessary shooting incidents and consequently to protect life and property.

V. USE OF FIREARMS

The following guidelines have been prepared to help members of the department, members of the force to understand what is allowable by this department in regard to the use of deadly physical force to protect life and property. As members of the law enforcement profession we know that we are governed by what is stated in Article 35 of the New York State Penal Law About Defense of Justification. However, we are incorporating the US Supreme Court ruling Tennessee vs: Garner that deadly force may not be used to effect the arrest of an unarmed, non-dangerous, fleeing felon. The following is to be the policy for the Inc. Village of Southampton Police Department.

- A. In all cases, only the minimum amount of force will be used which is consistent with the accomplishment of the mission.
- B. The firearm shall be viewed as a defensive weapon, NOT a tool of apprehension.
- C. Every reasonable alternative means will be utilized before a member of the department resorts to the use of their firearm.
- D. Deadly physical force shall NOT be used to effect the arrest of a fleeing felon unless a member of the department has reasonable cause to believe that:
- 1. Such force is necessary in defense of self, or another, against deadly physical force, or
- 2. When necessary to prevent the escape of a fleeing felon(s) and where probable cause to believe exists that the felon(s) poses a significant threat of death or serious physical injury to the member or other person(s). In addition, department policy would prohibit the use of deadly physical force unless all of the following factors are present.

Order #: 32

ate: 04/01/2003 Category: GENERAL ORDERS

Title: USE OF FORCE/DEADLY PHYS FORCE

A. The member has probable cause to believe based upon knowledge of the crime and surrounding circumstances, and

- B. The member has probable cause to believe the fleeing felon poses an imminent threat of death or serious physical injury to member(s) or other person (s), and
- Reasonable means to apprehend the perpetrator, other than by the use of a FIREARM are NOT available.
- E. Deadly physical force shall NOT be used to effect an arrest or prevent or terminate a felony unless the officer has probable cause to believe that the victim may be killed or seriously injured and there is no other reasonable means to effect the arrest or terminate the felony other than by the use of deadly physical force.
- F. The firing of warning shots is prohibited.
- G. The discharging of a firearm to summon assistance is prohibited, except where someone's safety is endangered.
- H. Discharging a firearm from or at a moving vehicle is prohibited.

Exception:

- 1. The occupant (s) of the vehicle are using deadly physical force against the member or another person(s) by means other than the vehicle, or
- 2. The operator of the vehicle uses same as an instrument which places the member in imminent danger of death, or serious physical injury and the member has no alternative means of self-defense for himself or other person(s).
- I. The discharge of a firearm at dogs or other animals should be an action employed ONLY when no other means to bring the animal under control exists to protect the member or other person(s) from death or serious physical injury.
- J. No member shall fire so-called "warning shots". "Dry Firing" is forbidden in or on departmental premises except under personal direction of a firearms instructor. In those cases where shooting is authorized, great care must be exercised in discharging firearms.
- K. A member should use every tool at his disposal to avoid surrendering his weapon.
- L. In carrying your weapon extreme safety will be utilized Members will maintain and clean their firearms, and will

Category: GENERAL ORDERS -

Title: USE OF FORCE/DEADLY PHYS.FORCE

shoulder the responsibility for keeping their firearm in proper working order at all times.

VI. DISPLAYING OR DRAWING FIREARMS:

An officer shall unholster or display a firearm ONLY if authorized by these procedures, directed by competent authority, or there is reason to believe such may be necessary for the safety of the officer or others.

VII. DISCHARGING FIREARMS

- A. When a member discharges their firearm on or off duty, they will notify the Chief of Police or next in command immediately.
- B. Members discharging a weapon accidentally or intentionally, shall file a written report immediately.
- C. Investigations relative to the discharging of a weapon will be investigated by the Chief of Police or his designee.

VIII. INVESTIGATION OF DISCHARGE - Investigation of these incidents shall consist of the following procedures; but not limited in scope to same.

- 1. Respond to scene and determine if discharge resulted in personal injury or property damage.
- 2. Interview and take written statements.
 - a. member(s) involved in the incident.
 - b. witnesses
 - c. other person(s) involved.
- Secure firearm(s) involved in the incident.
 Serial numbers must be determined and unspent cartridges must be secured.
- 4. All spent cartridges must be accounted for with respect to an incident. If subject is wounded, we must know exactly where and by how many bullets. Investigating officers must cooperate and work closely with attending medical personnel administering treatment to the victim.
- 5. Photographs should be taken of the victim either at the scene or at the hospital.
- Photographs of the entire incident scene will be taken.
- In conducting the investigation, the investigating officer must determine if the member(s) using deadly physical force followed department policy and the

Category: GENERAL ORDERS

TItle: USE OF FORCE/DEADLY PHYS FORCE

provisions of this order in using their firearm.

The weapon approved by the Police Department with the proper approved ammunition.

8. A typed report on a Supplementary Report Form detailing the circumstances surrounding the entire incident will be signed by the member and filed with the Chief of Police for possible presentation at a Grand Jury preceding or a departmental hearing.

IX. LOSS OR DAMAGE TO FIREARM

- A. Only weapons issued by the department or approved by the Chief of Police will be carried by members of the department.
- B. If an officer should lose his weapon, he will immediately notify the Chief of Police, or next in command and submit a written report.

X. RESPONSIBILITY OF WEAPON

- A. The individual assigned to a weapon is responsible for same; that is to say they shall be held liable for its safety at all times whether on-duty or off-duty. In the event a member takes their service weapon home, the member shall properly secure their weapon and department issued ammunition.
- B. If a weapon needs repair, it will be done by an authorized gunsmith through the department.
- C. No unauthorized weapon will be carried by a member of the department commonly known as a "throw down" or "throw aways". If such a weapon is found in possession of an officer, immediate disciplinary action will be undertaken.

XI. RESPONSIBILITY FOR USE OF FIREARM -

The responsibility for the use of any DEADLY PHYSICAL FORCE, or the use of a FIREARM shall, in all cases, be borne by the member who uses said force or fires the weapon.

XII. BASIC DEPARTMENT POLICY IS:

DEADLY PHYSICAL FORCE

vs.

DEADLY PHYSICAL FORCE

All members of the department will read and fully familiarize

Category: GENERAL ORDERS ·

TItle: USE OF FORCE/DEADLY PHYS FORCE

themselves with Article 35 - Defense of Justification, New York State
Penal Law and with Case Law - TENNESSEE vs. GARNER. All members will
have a full understanding and working knowledge of said statute and
case law.

XIII USE OF FORCE REPORTING

- 1. It is the policy of the Southampton Village Police Department that the Use Of Force by a Member of the Force will be accurately reported and subject to a thorough and objective evaluation. This policy will cover all Use of Force, whether on duty, off duty, within the Village boundaries or without.
 - 2. Use of Force Classifications:
- A. Class 1 The accidental discharge of a firearm which results in no injuries or property damage. The lawful and humane destruction of animals by use of a firearm.
- B. Class 2 The injurious (visible or internal) use of non-deadly force.
- C. Class 3 The injurious use of deadly force.
- D. Class 4 The fatal use of deadly force.
 - Reporting Method:
- A. Class 1 and 2 Use of Force:
- 1. The officer using force will notify the shift supervisor to respond as soon as practical after the occurrence. The scene of the occurrence should be secured if necessary to properly investigate the incident. The shift supervisor shall respond to the scene and determine which support services, if any are needed to respond to help document the occurrence.
- 2. The officer using force will provide a detailed description of the incident and the use of force including any injuries to the subjects and/or officers involved, within the narrative of the case report for the incident. The officer using force will also complete the appropriate section of a Use of Force Report (see attachment 1). The case report and the Use of Force Report will be submitted to the shift supervisor for review.
- 3. The shift supervisor will review the case report and the Use of Force Report for accuracy and completeness and will then complete the appropriate section on the Use of Force Report. The shift supervisor will obtain copies of any other documentation collected for the incident such as related department reports, statements, photographs and diagrams and attach them to the Use of Force Report. The Use of Force Report, the case report and all attachments will then be forwarded up through the chain of command for final review and filing by the Chief of Police.
- 4. Late Use of Force Report: If a person who is not actively resisting arrest or detainment by

Category: GENERAL ON JERS .

Title: USE OF FORCE/DEADLY PHYS.FORCE

a Member of the Force is restrained for a reasonable purpose and does not initially claim to be, or appear to be physically injured, but later claims such injury, a Class 2 Use of Force Report is to be completed as indicated in the procedures above. The Use of Force Report will be completed by the appropriate shift supervisor within 72 hours of the notification to the department of the alleged injury.

B. Class 3 and 4 Use of Force:

- 1. The procedures outline above for the reporting of a Class 1 or 2 Use of Force will be followed along with the following additional procedures.
- 2. The shift supervisor will upon arrival, ensure that the scene of the incident is secured and a crime scene log is commenced. The shift supervisor through the communications section will immediately notify the Commanding Officer of the detective division, the Duty Patrol Lieutenant, the Executive Officer, and the Chief of Police.
- 3. Appropriate support services will be notified to respond and document the scene under the direction of the Commanding Officer of the detective division.
- 4. Documentation of the nature and extent of injuries to officers, victims and defendants will be documented by the assigned member of the detective division in consultation with the attending physician or medical examiner.
- 5. As indicated above the case report, the Use of Force Report and all associated materials will be compiled and forwarded up through the chain of command by the shift supervisor at the incident for review by the Chief of Police.

Notwithstanding the provisions of this General Order, all personnel will strictly adhere to the provisions of all other Departmental Policies, Directives, Rules and Regulations.

James J. Sherry Chief of Police

EXHIBIT NN

Prince 0504002004052-SIL Document 118-3 Filed 11/30/09 Page 107 of 164 PagelDott. 1870

BRIAN B PLATT

SERIAL#:

232

PERSONAL INFORMATION

Rank: PO Sex: M	Shield No Race Religion	: WHT	D.O.B. Blood Type Hispanic (
Address : State:		City Zip Coc Other E	de :	
Drivers License: Place of Birth : Other Languages: Date Naturalizd:	/ /	Cl Fc Na	crmer Occupation (Y/Location	 on: 'N): N
Date Hired Date Terminated	: 09/25/1995 Squad : / / Reason:	: 1 Assignme	ent : PAT	SID #: Ret. Reg:
Military Branch Highest Rank Type of Discharge	: E4 ::	Serial N Date of	Discharge:	, ,
	IN-SER	TICE TRAINING		'
Course Name: Given By: Location: Remarks:	FIREARMS SCPD RANGE	MS QUAL		
Course Name:				
Remarks:	NUMBER OF HOURS: 4 COPY ON FILE COURSE TYPE: CERTIF	ICATION		

PRINT Cods: 02/04/2004052-SIL Personnel FILE REPORT FOR: 108 of 164 Pagel®#: 1871

BRIAN B PLATT

SERIAL!: 232

•	DRUG INDENTIFICATION
	BECTON DICKINSON P S
Location:	SOUTHAMPTON
Remarks:	NUMBER OF HOURS: 8
1	COPY ON FILE
l	COURSE TYPE: CERTIFICATION
ì	
+	
+	
Course Name:	IDTU
Given By:	NYS DEPT OF HEALTH
Location	the contract of the contract o
Remarks:	NUMBER OF HOURS: 40
1	COPY ON FILE
	COURSE TYPE: IDTU QUAL
I	EXPIRES 02/02/98
+ — — — — — — — — — — — — — — — — — — —	
+	
Course Name:	RADAR
Given By:	
Location	
Remarks	NUMBER OF HOURS: 24
i i	COPY ON FILE
•	COURSE TYPE: RADAR QUAL
	COOLED III IAMA GOLD
, +	
h	
•	
Course Name:	FIREARMS
Given By:	
Location:	
, 2001	,
Remarks	NUMBER OF HOURS: 8
, 	COPY ON FILE
· •	COURSE TYPE: FIREARMS QUAL
1 1	Control to the state of the Angle An
· 	
r = = 	
Course Name:	FIDEVOWS
•	
Given By:	
Location:	KANGE
	ARMARIA AR MANAGA A
Remarks:	NUMBER OF HOURS: 8
l	COPY ON FILE
l	COURSE TYPE: FIREARMS QUAL
1	
+	
+	
Course Name:	DWAI DRUGS DETECTION
	WAI DROGS DETECTION 476

. Pxix Case 2/04/20054052-SIL | Document 118-3 | Filed 11/30/09 | Page 109 of 164 Page 1872

BRIAN B PLATT

SERIALI: 232

|Given By....: | Location....: YORKTOWN PD | Remarks.....: NUMBER OF HOURS: 4 COURSE TYPE: SEMINAR | Course Name....: VIDEO/ROLL CALL TRAINING |Given By....: SVPD |Location....: SOUTHAMPTON | Remarks NUMBER OF HOURS: 7 COURSE TYPE: STAFF DEVELOPMENT | Course Name....: VIDEO/ROLL CALL TRAINING |Given By..... SVPD | Location....: SOUTHAMPTON | Remarks.....: NUMBER OF HOURS: 21 COURSE TYPE: STAFF DEVELOPMENT | Course Name....: EVOC |Given By....: |Location....: SCPD |Remarks.....: NUMBER OF HOURS: 8 COPY ON FILE COURSE TYPE: EVOC ______ | Course Name....: VIDEO TRAINING |Given By....: SVPD |Location....: SVPD | Remarks.....: NUMBER OF HOURS: 21 COURSE TYPE: STAFF DEVELOPMENT |Course Name....: FIREARMS / DPF |Given By....: SVPD |Location....: SVPD

Printed: 05/104/20004052-SIL Document 118-3 Filed 11/30/09 Page 110 of 164 Page #: 1873

BRIAN B PLATT

|Given By.....: SVPD |Location....: SVPD |Certification..: N SERIALI: 232

| Remarks..... NUMBER OF HOURS: 4 COURSE TYPE: FIREARMS QUAL DPF | Course Name....: RADAR |Given By....: | Location....: SCPD | Remarks.....: NUMBER OF HOURS: 8 COURSE TYPE: RADAR RECERT | Course Name....: INTOXILYZER |Given By....: SCPD |Location....: SCPD | Remarks.....: NUMBER OF HOURS: 8 COURSE TYPE: IDTU RECERT | Date of Course : 03/29/2003 Date Completed: 03/29/2003 | Course Name....: ADVANCED TASER |Given By....: SVPD |Location....: SVPD |Certification..: Y Re-Certify Date: 03/30/2004 | Remarks..... FOUR HOURS |Date of Course : 05/19/2000 Date Completed : / / | Course Name....: FIREARMS / DPF |Given By....: SCPD |Location....: SCPD |Certification..: Y Re-Certify Date: / / | Remarks.....: FIREARMS QUALIFICATIONS 4 HOURS DPF | Date of Course : 03/29/2003 Date Completed: 03/29/2003 | Course Name....: SRT ROOM CLEARING

478

| Remarks.....: IN HOUSE SRT ROOM CLEARING EXERCISE 4 HOURS | 221:04/06/2003 23:30 -

Re-Certify Date: / /

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 111 of 164 Pagel 1874

SERIAL#:

232

BRIAN B PLATT

| Date of Course : 10/10/2001 Date Completed: 10/10/2001 | Course Name....: IDTU RECERT | Given By..... SCPD | Location....: SCPD | Certification ... Y Re-Certify Date: 01/01/2004 | Remarks....: INTOXILYZER RECERTIFICATION 8 HOURS 221:04/06/2003 23:31 -| Date of Course : 06/25/2003 Date Completed : / / | Course Name....: EVOC Given By..... SCPD | Location....: SCPD | Certification..: Y Re-Certify Date: 06/25/2006 | Remarks..... EMERGENCY VEHICLE OPERATIONS COURSE 8 HOURS | Date of Course : 10/17/2002 Date Completed : / / | Course Name....: FIREARMS / DPF |Given By..... SVPD | Location....: SVPD |Certification..: Y Re-Certify Date: / / | Remarks.....: FIREARMS QUALIFICATIONS 4 HOURS DPF | Date of Course : 10/17/2002 Date Completed : / / | Course Name....: FIREARMS / DPF |Given By....: SVPD | Location....: SVPD |Certification..: Y Re-Certify Date: / / |Remarks....: FIREARMS QUALIFICATIONS 4 HOURS DPF | Date of Course : 12/16/2001 Date Completed : / / | Course Name....: FIREARMS / DPF |Given By....: SVPD |Location....: SVPD |Certification..: Y Re-Certify Date: / / | Remarks....: FIREARMS QUALIFICATIONS 4 HOURS DPF | Date of Course : 10/30/2000 Date Completed : / / |Course Name....: FIREARMS / DPF |Given By..... SVPD |Location....: SVPD |Certification..: Y Re-Certify Date: / / | Remarks.....: FIREARMS QUALIFICATIONS 479

Case 2.04-cv-04052-SIL | Document 118-3 | Filed 11/30/09 | Page 112 of 164 Page #: 1875

BRIAN B PLATT

SERIALI: 232

4 HOURS DPF | Date of Course : 03/19/2001 Date Completed: 03/30/2001 | Course Name....: FBI SWAT |Given By....: FBI | Location....: FORT DIX, NJ |Certification..: Y Re-Certify Date: / / | Remarks..... FBI BASIC SWAT COURSE 80 HOURS | Date of Course + 04/17/2003 Date Completed : 04/18/2003 | Course Name....: FBI FIREARMS INSTRUCTOR |Given By....: FBI |Location....: SCPD |Certification..: Y Re-Certify Date: / / | Remarks.....: FBI FIREARMS INSTRUCTOR SCHOOL 80 HOURS |Date of Course : 01/24/2002 Date Completed: / / | Course Name....: FIREARMS / DPF |Given By....: SVPD |Location....: SVPD |Certification..: Y Re-Certify Date: / / | Remarks.....: FIREARMS QUALIFICATIONS 4 HOURS ______ |Date of Course : 01/01/2000 Date Completed: 12/31/2000 |Course Name....: MONTHLY VIDEO TRAINING |Given By....: SVPD |Location....: SVPD |Certification..: N Re-Certify Date: / / |Remarks..... MONTHLY VIDEO TRAINING 1 HOUR 12 HOURS PER YEAR | Date of Course : 01/01/2001 Date Completed : 12/31/2001 | Course Name....: MONTHLY VIDEO TRAINING |Given By....: SVPD |Location....: SVPD |Certification..: N Re-Certify Date: / / |Remarks....: MONTHLY VIDEO TRAINING 1 HOUR 12 HOURS PER YEAR | Date of Course : 01/01/2002 Date Completed : 12/31/2002

480

Print Case 1/104200-04052-SIL Document 118-3 Filed 11/30/09 Page 113 of 164 Page #: 1876

SERIALS:

232

BRIAN B PLATT

| Course Name....: MONTHLY VIDEO TRAINING | Given By..... SVPD |Location....: SVPD |Certification ...: N Re-Certify Date: | Remarks.....: MONTHLY VIDEO TRAINING 1 HOUR 12 HOURS PER YEAR | Date of Course : 10/05/2002 Date Completed: 10/07/2002 | Course Name....: FIELD SOBRIETY | Given By....: SCPD |Location....: EHVPD Re-Certify Date: |Cestification ... Y | Remarks.....: STANDARD FIELD SOBRIETY TESTING 24 HOURS |Date of Course : 07/24/2003 Date Completed : / / | Course Name....: WATER RESCUE TECHNICIAN |Given By....: LIFESAVING RESOURCES INC |Location....: WHITE PLAINS PD |Certification..: Y Re-Certify Date: |Remarks.....: Water Rescue Technician course. 9 hours | Date of Course : 08/18/2003 Date Completed: 08/18/2003 | Course Name....: RAVE/CLUB DRUGS |Given By....: DCJS |Location....: SVPD Re-Certify Date: / / |Certification..: Y | Remarks.....: RAVE AND CLUB DRUGS SEMINAR 8 HOURS |Date of Course : 10/14/2003 Date Completed: / / | Course Name....: INTOX RECERT |Given By....: SCPD |Location....: SCPD Re-Certify Date: 01/01/2006 |Certification..: Y |Remarks....: Intoxilyzer 5000 Recert. 8 Hours | Date of Course : 10/25/2003 Date Completed: 11/02/2003 | Course Name....: INTENSIVE SPANISH |Given By....: SCCC |Location....: SCCC Re-Certify Date: / / |Certification ... Y |Remarks....: Intensive Practical Spanish Language Course 32 Hours | Date of Course : 01/25/2004 Date Completed: 01/25/2004 | Course Name....: ICE RESCUE

Prin Case 5/:04/20054052-SIL Document 118-3 Filed 11/30/09 Page 114 of 164 Page #: 1877

BRIAN B PLATT

SERIALE: 2

232

(Given By	DIVE RESCUE INTERNATIONA	L	ı
	SOUTH COUNTRY AMBULANCE		1
Certification:		Re-Certify Date:	/ /
Remarks:	Ice Rescue Course. Clas	s room and practi	cal. I
i	8 Hours		1
T .			
Date of Course :		Date Completed	: / /
Course Name:			ļ
Given By:			!
Location:	SVPD		1
Certification:		Re-Certify Date:	02/20/2005
Remarks:	ADVANCED TASER RECERTIFI	CATION	2 4 2 2 2
1 : - 2 :	4 HOURS		ا +
•			
+		Date Completed	
	GLOCK BASIC ARMORER	pace compaced	· , ,
Given By:			İ
Location:			ļ
Certification:		Re-Certify Date:	/ /
	Basic Glock Armorer's Co		ı
1	8 hours		ı
•			l l
+			
T .			
Date of Course:	10/27/2004	Date Completed	: / _ /
	FIREARMS / OC REFRESH		
Given By:			
Location:		Re-Certify Date:	' '
Certification:	=	-	, ,
Remarks:	Firearms Qualifications) OC Reflesher	
1	4 Hours 221:10/27/2004 19:31 -		
	221:10/21/2004 13:31		
+			
•			
+			
Date of Course :		Date Completed	: 11/2//1998
Course Name:			
Given By:			
Location:		n. a	03/31/3001
Certification:		Re-Certify Date:	03/31/2001
Remarks:			
1	160 Hours		
1			
+			
T			
Date of Course :	01/28/2005	Date Completed	. 01/20/2003
•	ADVANCED TASER RECERT		
Given By:			
Location:		Re-Certify Date:	01/28/2006
Certification:	I	482	01/20/2000

> 2 = 1 = Case 2:04-cv-04052-SIL | Document 118-3 | Filed 11/30/09 | Page 115 of 164 Page 1278: 1878

BRIAN B PLATT

SERIAL!

232

Remarks: 	M26 and X26 4 Hours 221:02/01/2005	00:15 -	
+			
Date of Course : Course Name: Given By: Location:	04/15/2005 CPR REFRESHER SVPD		Completed: / /
Certification: Remarks:	Y	Rê-Cert	tify Date: 04/15/2006

EXHIBIT 00



ADVANCED TASER® M26 User Application PRINT LEGIBLY AND CLEARLY PLEASE!

Rank: P.O. Name: Brian Platt
Dept. / Company: Southampton village Police Department
Phone: (631)-283-0056 Fax:
Email:
Address:
Number of answers correct: 35
Number of answers correct: 35 out of 35. (80% minimum = 28 correct answers)
Instructor to initial that student has successfully completed the following functional tests:
Demonstration of proper finger positions for aiming and firing.
Reload ADVANCED TASER 5 times in 15 seconds (watch finger position, disqualify for fingers in front of blast doors).
Officer can control unit adequately when commanded "Arm - Spark - Off" at random.
Officer can remove and reinstall battery correctly.
Draw ADVANCED TASER and hit target at 8 foot distance (time limit 5 seconds).
Draw ADVANCED TASER (select the unit most likely to be used in the field) hit target at 8 feet, reload, hit 2 nd target at 12 feet with laser sight (time limit 10 seconds).
I hereby Certify that has successfully completed a minimum of four hours training, has passed the written test with a score of 80% or better, has passed the above functional tests, has trained user of this system.
Attested: Certified Instructor Certified Instructor
Please list the serial numbers of the Air Cartridges fired:
To3.021486; To3.021618; To3.021599;

Maintain a file copy of this certification in department records.

EXHIBIT NOT INCLUDED TRANSCRIPT OF TESTIMONY IS IN POSSESSION OF ALL PARTIES' COUNSELS

EXHIBIT PP

EXHIBIT QQ

Case 2	:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 120 of 164 PageID #: 1883
	20
1	J. Griffin 20
2	Q. Can you give me an estimate?
3	Was it more than five times?
4	A. From the time I was born
5	until the time
6	Q. Yes.
7	A I left?
, 8	Q. Until the time you left
9	Layton Avenue.
10	A. Until the time I moved out?
11	Q. Yes.
12	A. Yes. I would say
13	Q. More than five times?
14	A. Five or more, yeah.
15	Q. Was it more than ten times?
16	A. I don't recall.
17	Q. Do you recall the specific
18	instances that occurred that caused for
19	the police to come to the house?
20	A. Unless you have specific
21	instances that you'd like to talk about,
22	I can't bring anything up out of the blue
23	that I remember like one time or another
24	when they came, you know. It's all kind
25	of jumbled in my mind, you know.

23

1 J. Griffin 2 3 2 oftentimes we would ask for police assistance in accessing services 'cause 3 as laypeople and particularly in the 4 5 beginning being inexperienced with 6 accessing services to health care, you 7 know, sometimes the police can get help 8 faster than or access services quicker 9 than laypeople. 10 Do you know what I'm saying? 11 Sure. Q. 12 Yes. So that was my 13 experience, was using them as a liaison 14 to access services to help my brother and 15 I always remember them being, you know, 16 pretty helpful and compassionate. 17 Can you tell me about how 18 many times you remember the police coming 19 to the house when you were there to help 20 you with accessing service for David? 21 Α. I don't recall. More than 22 twice. 23 Q. Okay. 24 Probably more than three Α. 25 times.

EXHIBIT NOT INCLUDED TRANSCRIPT OF TESTIMONY IS IN POSSESSION OF ALL PARTIES' COUNSELS

EXHIBIT RR

EXHIBIT 5S

Decument 118-3 Hield 11930/09 Page 124 of 164 PageID #: 1887

Rcv'd to Comp: 6:18

Entry/CC#: sv-000803-04 Date: 02/04/2004 Time: 10:31 Tour: 2A Desk Officer: 221

How Received: E911 Call Type ..: SERVICE CALL Priority..:1

caller: GLOWCZENSKI, MARY J

Bus . Name ..:

Address....: 70 LAYTON AVENUE

Call Back #: (631)283-1487 City/St/Zip:

Location of Assignment: 160 NORTH MAIN STREET, SOUTHAMPTON

Cross Street....:

Business Name..... OUR LADY OF THE HAMPTONS

Description....: 10-37

Post: Officer Assigned: Unit: 142 220 - LAMISON

Arv Time: 10:34 Dispatched: Y Call Taker: 117 Disp Date:02/04/2004 Disp Time:10:34 Disposition...: ACTIVE Comp Time: 16:49 Disp to Comp: 6:15 Add 1 Officers: 212 ,220 ,219 , 233 ,215

Add 1 Units...: 131,142,144,148,151,157,159,7-18-16,

Vehicle Plate Number: Make: State:

Vin: Model: Color: Year:

ASSOCIATED NUMBERS

Aid Case # :SV-00019-04 Name: DAVID GLOWCZENSKI DOB:04/19/1968

:SV-000801-04 Call Type: SERVICE CALL Blotter # :SV-000806-04 Call Type: ADMINISTRATIVE Blotter #

PERSONS INVOLVED

DOB:04/19/1968 Name......GLOWCZENSKI, DAVID

Address.....:70 LAYTON AVENUE

City/State/Zip:SOUTHAMPTON, NY 11968

Phone Number..: (516) 283-1487 Race: WHT Person Type...:SUBJECT PERSON

Name......GLOWCZENSKI, DAVID DOB: / /

Address....: City/State/Zip:,

Sex :

Name.......GLOWCZENSKI, MARY J DOB: 03/12/1932

Address.....:70 LAYTON AVENUE City/State/Zip:SOUTHAMPTON, NY Phone Number..: (631) 283-1487 Sex :

Person Type...:CALLER

NARRATIVE

Callback from mother reporting that son, David, had fled again and is heading toward North Main Street.

[Wed 02/04/2004 10:36 By 117]

She states that he was still hearing voices and

appears to be in an aggitated state.

[Wed 02622000000000000000000000000000000000	¹ Document 118-3	Filed 11/30/09	Page 125 of 164 l	PageID #: 1888
SGT219 requests ambulance.	S. dispatched.			3
[Wed 02/04/2004 10:42 By	117			
SGT219 requests EMS to expe	dite (full cardia	ıc		
arrest). [Belated entry]				
[Wed 02/04/2004 10:50 By	117]			
Southampton Hopsital ER adv	ised.			
[Wed 02/04/2004 10:51 By	117]			
Capt 212 ordered the 3-11 to	our to report for	duty.		
[Wed 02/04/2004 11:21 By	117]			
[Wed 02/04/2004 12:56 By	117]			/ Y/
•				U
Certified by			Dated: _	
•			Dated:	
Approved by			Daced.	

•

and the second
	4 040E0 CIL	1 110	O Eileal 447	00/00 Baada	00 -4 104	DecalD #: 4000	
Entry/CCI: sv-	4-CV-04052-SIL	20276472668	3 Filed 114/	370a Hade T	2 5, 010 6 94	RagelD.#: 1889	·
Call Type:	DMINISTRATIVE	Prio	rity: 3	How Received	: OFFICL	AL CHANLS	
Caller:1	EWIS, LT HOWARD						
Bus. Name: S	TVPD						
Address: 1	51 WINDMILL LA						
City/St/2ip: s	SOUTHAMPTON, NY 1	1968-		Ca	all Back	#:	
Location of As	ssignment: 151 WI	IDMILL LA, S	OUTHAMPTON				
Cross Street.	.						
Business Name	SVPD						
Description	DEATH		N - CONFID	ENTIAL			
Post:	Officer Ass	signed: 2	15 -LEWIS			Unit: LT	
Dispatched: Y	Call Taker: 117	Disp Date	:02/04/200	4 Disp Time:	13:07	Arv Time: 13:	
Disposition	:BLOTTER INFO ON	LY				Comp Time: 13:	
Add'l Officers						sp to Comp: 0:	
Add'l Units	. :				ACV	'd to Comp: 0:	
Vehicle Plate	Number:	-	State:	Make:			
Vin:	Mo	del:		Color:		Year:	
		ASSOCIATED	NUMBERS				
Blotter #	:SV-000801-04	Call Type:	SERVICE CA	LL			
Blotter #	:SV-000803-04	Call Type:	SERVICE CA	LL			
		NARRAT				The second secon	
117:02/04/200 Investigation	13:08 - LT215 r	equests CC	for Confide	ential Death			
Certified by _		. <u> </u>			Dated: _		
Approved by _					Dated: _		

227 of 164 PageID #: 1890

Rcv'd to Comp: 0:25

2A Desk Officer: 221 Time: 09:09 Tour: Date: 02/04/2004 Ent ry/CC#: sv-000801-04

How Received: E911 Priority..:1 call Type ..: SERVICE CALL

Caller: GLOWCZENSKI, MARY J

Bus . Name . . :

Address....: 70 LAYTON AVE

Call Back #: (631) 283-1487 city/St/Zip:

Location of Assignment: 155 ELM ST, SOUTHAMPTON

Cross Street....: Rusiness Name....:

Description: PSYCHIATRIC EMERGENCY

Unit: 144 Officer Assigned:

Arv Time: 09:14

Disp Date: 02/04/2004 Disp Time: 09:14 Dispatched: Y Call Taker: 117

Comp Time: 09:34 Disposition...: 10-38 Disp to Comp: 0:20 Add 1 Officers: 232

Make:

Add 1 Units...: 147,148,

Vehicle Plate Number: State: Color: Year: Model: Vin:

ASSOCIATED NUMBERS

:SV-000803-04 Call Type: SERVICE CALL Blotter # :SV-000806-04 Call Type: ADMINISTRATIVE Blotter #

,219

PERSONS INVOLVED

DOB: 03/12/1932

Address.....:70 LAYTON AVENUE

City/State/Zip:SOUTHAMPTON, NY 11968-'

Phone Number..: (631) 283-1487

Sex F Race:

Person Type...:CALLER

Name......GLOWCZENSKI, DAVID DOB: 04/19/1968

Address......70 LAYTON AVENUE

City/State/Zip:SOUTHAMPTON, NY 11968

Phone Number..: (516) 283-1487 Race: WHT Person Type...:SUBJECT PERSON

NARRATIVE

117:02/04/2004 10:32 -

David Glowczenski fled residence and is having a

psychiatric emergency(hearing vioces). LKW plaid

quilted shirt with white as its base color.

Described as male white, 35 you with long dark

hair and beard.

[Wed] 02/04/2004 09:20 By 117]

Callback from complainant advising that subject

has returned home. Patrols advised.

[Wed 02/04/2004 09:28 By 117]

PO233 advises that the subject is OK in

residenc and is seeking psychiatric help

Ent Caste 2:04-0006052-61L 120e002001/12602 Fitedel:1030609 Page 128 01/1648 Rage1 12 #:12891

Call Type..: SERVICE CALL Priority..:1 How Received: E911

Caller: GLOWCZENSKI, MARY J

Bus - Name ..:

Address....: 70 LAYTON AVE

Cit y/St/Zip: Call Back #: (631)283-1487

Location of Assignment: 155 ELM ST, SOUTHAMPTON

Cross Street....:
Business Name...:

Description..... PSYCHIATRIC EMERGENCY

Post: Officer Assigned: 233 -WETTER Unit: 144

Dispatched: Y Call Taker: 117 Disp Date: 02/04/2004 Disp Time: 09:14 Arv Time: 09:14

Comp Time: 09:34 Disp to Comp: 0:20

Rcv'd to Comp: 0:25

Disposition...:10-38

Add 1 Officers: 232 ,219 ,

Add 1 Units...: 147,148,

Vehicle Plate Number: State: Make:

Vin: Model: Color: Year:

ASSOCIATED NUMBERS

Blotter # :SV-000803-04 Call Type: SERVICE CALL

Blotter | :SV-000806-04 Call Type: ADMINISTRATIVE

PERSONS INVOLVED

Name.....:GLOWCZENSKI, MARY J DOB:03/12/1932

Address.....:70 LAYTON AVENUE

City/State/Zip:SOUTHAMPTON, NY 11968-

Phone Number..:(631)283-1487 Sex......F Race:

Person Type...:CALLER

Name......:GLOWCZENSKI, DAVID DOB:04/19/1968

Address.....:70 LAYTON AVENUE

City/State/Zip:SOUTHAMPTON, NY 11968

Person Type...:SUBJECT PERSON

NARRATIVE

117:02/04/2004 10:32 -

David Glowczenski fled residence and is having a psychiatric emergency (hearing vioces). LKW plaid

quilted shirt with white as its base color.

Described as male white, 35 you with long dark

hair and beard.

[Wed 02/04/2004 09:20 By 117]

Callback from complainant advising that subject

has returned home. Patrols advised.

[Wed 02/04/2004 09:28 By 117]

PO233 advises that the subject is OK in

residenc and is seeking psychiatric help

117: 32/04/2004 10:32 - Callbay from complainant stating that for the house again. He was still bearing voices and appears to again. He was still bearing voices and appears to again. He was still bearing voices and appears to again.		
Certified by	Dated:	
Approved by	Dated:	

COPY

911. State your emergen

Yeah, okay my son David Glowczenski. Is this Southampton Village Police?

Yes it is.

He's got a psychotic episode and he took off heading past the little Polish church down towards the railroad station.

Okay.

And he is hearing voices and he's very psychotic and I don't know if he will harm himself.

Okay.

Because he's been up all night and for about two or three days he's been getting worse.

Okay.

We're going to take him to the doctor's today and he just took off.

Okay. What's your first name Mrs. Glowczenski?

Maryjane.

Okay. What's he wearing today?

Uh. He had a sort of plaid white background. He had a plaid shirt on, didn't he? Yeah.

Was he wearing a coat?

No. He had like one of those quilted shirts. Like

Okay.

Mostly white with red and blue plaid.

Okay. How old is he?

He's is uh 35.

Dark hair, light hair.

Long, long dark brown hair, you know hanging past his shoulders, long hair.

Okay.

And he has a little uh trimmed beard and a mustache.

Okay. Hold on one second.

Village l	Police.	Can I	help	you?

Yes. I was looking for Wayne Petre

Hold on please.

I'm sorry LT it's me.

911.

Yeah.

Okay I still have another 911. Hold on.

911 State your emergency.

Okay. Hold on a minute

Headquarters 233

233

Respond to the area of Maple Street and Railroad Plaza regarding a 10-37 described as a male white 35 years old long dark brown hair.

Stand by one second. I got to put you on hold again.

Yeah.

911 State your emergency.

Yes. We're at 155 Elm Street in Southampton.

Yes Ma'am.

And there's a man at our window and he won't go away. He's got long hair. My mother said he's kind of kooky.

All right. Number 155 Elm Street.

155 Elm Street Southampton and our number's 283-1109.

We'll send them right over.

Thank you. Bye

233 Respond to 155 Elm Street regarding that 10-37 subject described by his mother at 10 7 as being highly psychotic at this time hearing voices and he's got some facial hair and he's wearing a quilted plaid shirt with a white color as its base.

10-4. Give me the address again.

155 Elm. And that's a different location. I have multiple 911 calls regarding this.

Okay. What is he doing? Is he out of the residence on foot?

He may be in the church. He's been going in the church because he has been hearing voices telling him to do things.

Allrighty. We'll send someone over to see you but we also have calls that he's on Elm Street.

Okay. Thank you

I'm on railroad plaza.

I'm on Elm. The area

913 Use caution 232 233 the subject has been hearing voices for the last couple of days.

Is he back at the residence at 155?

10-4 That's a different residence from where he lives.

Southampton Village Police Dispatcher Lockhart

Good morning this is Metrodial 49 I have a commercial in Southampton.

Okay. Hold on.

Dispatcher Lockhart

I'm sorry LT I've got a 911 thing I'm going crazy.

That's okay.

Wayne hold on one second.

All right just give me a second.

All right. I'm getting closer. I've got somebody running around the neighborhood going crazy.

Oh wow.

Where is it?

32 Windmill Lane.

And what is that'!
It's a commercial rotation and they're closed on Wednesdays.
Okay.
And I'm receiving the office motion signal.
Allrighty.
Okay.
And you said bellringer?
No, no Metrodial 49.
Metrodial, I'm sorry.
Okay that's alright.
What's your ID?
117.
Can I have your call back?
516-681-8877.
All right and its office motion.
Thank you Bye Bye.
Southampton Village Police Dispatcher Lockhart
Uh yes, good morning. Is James Moore there please?
Go ahead Sweetheart.
Never mind I found him. I couldn't find him.
All right. Let me know if they need anything.
Ma'am, who are you looking for?
James Moore.

He's not here at the moment. Wh	o am I speaking with?	
Okay. This is Marcia from Perma	. I'm calling on his workman comp injury.	If he could just give

Okay. Hold on one second.

Okay.

me a call.

233

Subject 10-19 from the residence. How many calls did you get on this?

I got three from two places.

10-4 Who was the other caller?

The other caller was the parent at 70 Layton Avenue reporting that he had fled in that state and while I was talking with her I got the call from Elm Street reporting the 1034 subject outside their window matching the description.

10-4.

Has anybody checked the residence yet?

Negative. I'll go over that way. I'll drive by. I'm in that area now. There's no sign of him but we should probably check the residence and make sure everyone's okay.

10-4

Hold on please.

233. Further information. Subjects 5'11" 200 lbs. Looking in his record and impact trying to get some more data for you.

Headquarters, we're familiar with same.

911 State your emergency.

Hello. This is Mrs. Glowczenski calling back. David came home.

Southampton Village Police Dispatcher Lockhart

Hi. I have a question about a speeding ticket I received. Would I call the court first?

Yes.

Do you happen to know

204 Hold on.

232 – What's the street number?
Number 70, 7 0
Go ahead.
204-2140.
Thank you.
233
Spoke with a family member, subject 10-4 at the residence. They're attempting to contact his physician.
Temple.
We'll be 10-3 for now.
932
933
Headquarters 232
Go ahead.
A Metrodial reports alarm at rotation. No. 32 Windmill Lane. Office motion.
233
232
236
939

231-232

Can I meet you behind 23 Main Street?
10-4
232 Headquarters
232
38 secure
9-41 What unit are you in?
147
911
Okay you got that?
Yep
All right. I'm just going to hang. I'm going to put this back.
Okay.
Now try to put that first one on hold.
911
Now hit the whatayoucallit – the hang up button.
Now let it go. 911
911
Didn't go to hold.
No. Hold on.
Try hold and then hang up and pick it up.
Nothing else is flashing.

I'm talking on that one but I'm trying to hit.
Can you hear me here?
Now I can.
Now you can hear me here.
I'm want to put hold and then
Now try to put this one on hold.
Okay. Yeah but there's nothing flashing. I push it and I'm talking to you again.
Okay.
There's only one call flashing. The thing is I put you on hold and hit global.
Nothing's there, just you.
232-233
233
Are you clear?
10-4
911 State your emergency
Hello. It's Mrs. Glowczenski again. David just took off again
Okay.
He's heading down Layton Avenue toward the
Γowards where?
Where's he going John? East
Okav

 toward	Flm	St	rost
 iowaiu.	1 1111	.71	100

Is he in a better state of mind than he was before?

No. He's still fuddled and listening to the voices, they're telling him to go.

Okay.

He went, toward North Main Street he's going.

Allrighty. Headquarters 232-232

Apparently that subject from earlier is still agitated, got a 911 from his mother and he's heading westbound on Layton Avenue toward North Main Street in an agitated state.

233 10-4

233. I'm right on Railroad Plaza.

10-4 232

233

Go Ahead

Still at the barn?

Coming up to North Main

10-4

Go by North Main and Willow

233. He's right in front of me.

233 Headquarters – will be out with the subject

1034.

Southhampton Village Police Dispatcher Lockhart

Yes, can I speak with Officer Platt?

Hold on please.

To Ninth Avenue on North Main Street.

1035

Southampton Village Police Dispatcher Lockhart

So, Officer Brian Platt is not in, right?

He's working, but he's on the road.

He's on the road. Because I've left a couple messages on his phone and I never gotten a call returned.

What's this regarding?

This is regarding a police report

Okay

that he filled out. My car was one of the cars parked at the train station on January 8th and someone plowed into it. He took the report down and got the name of the driver and everything. Um...

What's the question?

The question is he had that there were three cars involved and the insurance company is telling me that one of the cars, the owner of the car is saying that their car was not involved in the accident.

It was one vehicle that did the striking and it struck three other vehicles.

Right

But one of the vehicles that was struck, according to Officer Platt, the insurance company said to me that the person that was identified as the fourth vehicle, denied that their car was even parked there on January 8th.

Okay.

So, I don't care about that. But he wrote the report up and apparently the driver is claiming that he was not involved in an accident. So, what does that mean?

It doesn't mean anything.

Oh, it doesn't.

Case 2:04-cv-04052-SIL Document 118-3 Filed 11/30/09 Page 41 of 164 PageID #: 1904 Nope, but did you leave a messee for Officer Platt again?
I left one yesterday.
All right. As far as I know, you know, its
So, when the officer wrote up the report
It was investigated at the scene, you.
Oh. So the officer was at the scene.
Sure.
And it said on the report that he actually, the guy left the scene of the accident.
That's right. And he was followed by a taxi.
Oh, he was followed by a taxi.
Yes.
So there is a witness.
Okay.
That's assuring if there was a witness.
Thank you very much. Bye Bye.
Southampton Village Police Dispatcher Lockhart
I'm trying to reach Sgt. Schucht.
Hold on please.
Thank you.
What's your name?
My name is Michael from GTSI
Okay, hold on please.
I know he's on the road, Mike.
He said he was in the Sgt's office.

No, he didn't get that far.

Oh, he didn't.
Mike from GTSI
If he's tied up, I'll call him back later.
Okay. Like in a half hour. He was going to be here and they had a hot call and he had to go.
Not a problem, I'll give him a call later.
Appreciate it.
 Bye Bye
Southampton Village Police Dispatcher Lockhart.
Yes, is um. This is Sandra Caruso. I'm with Via Communications. I'm not sure who there is in charge of the maintenance agreement on your phone system. Would you know who I should be speaking with? Is it Chief Sherry?
Is this a solicitation call or do you already have
You already have a Via phone system and this is regarding the maintenance agreement. We are offering an extension.
Oh okay. That narrows it down. Hold on.
219 Headquarters
Call us an ambulance down here for the subject please.

Call us an ambulance down here for the subject please

10-4

WTON496 SVPA Signal 16 psychiatric emergency. Be in front of Our Lady of the Hamptons on North Main Street, Signal 10 is 21. Repeating for the SVPA signal 16 psychiatric emergency on North Main Street in front of Our Lady of the Hamptons. Signal 10 is 21—104 Dispatcher 117 Ambulance dispatched.

What school did you say?

10-4. Missy, as you roll up, make eye contact with the officers, make sure it's okay for you to roll up, okay?

718 30 to all responding SVPA units, negative lights and sirens until further notice, okay.

718 AD Signal 2

Excuse me

21

1044

16 469 will be signal 2 signal 4

Southampton Village Police Dispatcher Lockhart

How you doing, it's Brian Dubinsky at Riverhead DP.

How are you?

Is Tommy Cummings around?

Tommy is

Hold on.

19

718 80 718 Expedite, please

Expedite the ambulance. Shit.

I'm sorry, He went up to County Headquarters to pick up some gas masks, but Billy is not in at all.

220- 620
220
Get me an ETA on the ambulance.
They are on the road. They should be there in a minute.
1047
16 Bring out the right now.
Oh please.
219 to Headquarters
219
2600, they'll be bringing in a code.
10-4
Can I help you?
How you
Southampton Village Police. Ambulance coming in with a full arrest.
Full arrest?
In about two minutes.
Okay, thanks. Male or female?
Male I believe.
Thanks.
ER notified.

Good morning.	My name is Slaka	with Calvin	Press and I'm	trying to	get in touch	with you

Hold on please.

training officer.

SVP D Lockhart

Thank you.

Southampton Village Police Dispatcher Lockhart

Kenny, this is Howard, get the chief on the phone for me, right now.

Okay. Hold on.

496

Unit calling 496.

Hold on.

I want you two in the hospital within five minutes.

Radio

I have a gentlemen here who wants to know

Is that your son?

It's his brother.

The gentlemen from Elm Street he wants to know if we ever found him.

Yes.

Yes.

But I have no details.

Okay.

What's his last name?
What's your last name?
Glowczenski
Tell him to have a seat.
All right. Thank you.
Southampton Village Police Dispatcher Lockhart
Kenny
Yes
I want the Chief in the radio room and I want him on the phone and I want it taken care of right now.
I went and got him physically. Did he pick up the phone?
No. He didn't.
I went and physically got him. He wants the chief in the radio room.
Don't worry about it.
Duane's going to get him.
Okay. I ran and made sure that he took his phone off do not disturb.
It's not you.
What's going on?
I went into his voice mail. I don't want to talk on this line.
Because I have a family member in the lobby.
It's a problem.
You want him on an untaped line.
Yes
Hold on one second

Southampton VP DL

Hello, may I please speak with Brian LoMonaco.
Hold on please.
Thank you.
1056
Ma'am he does not work here anymore.
Oh, I'm sorry can I speak with the person who handles your Nextel account then. It's not a sales call.
911 State your emergency.
233 69
33
At the scene, respond to the house
11-02
Southampton Village Police Dispatcher Lockhart
Hi Kenny, it's Christine Dorcheck
Good.
I was wondering if you could connect me to Sue Hoover.
Sure. What'd you name him?
Brayden.
Congratulations. Hold on.
1 8

Headquarters 215 Call Radio
Stand By
If you could go direct to 225 that would be good.
Have her contact me on my Nextel.
10-4
Records Department, Laura speaking
Laura, Kenny.
Mr. Glowczenski in front of you.
Yes.
We don't have any information for him at the moment.
Wait, I have someone on the phone.
We don't have any information for him at the moment.
Okay.
I don't know what he wants to do. Does he want to go home and then come back?
He's got to catch a train.
They have no information for you at the moment. If you want you can come back at a later time. He said he'll come about in a half an hour.
That's fine.
7816406
16
16'd out of service until further notice

Kim. The captain's calling in the 4 to 12. I've got a hold of everyone but you. Could vou respond in please ASAP.

Please hold. Your call is being transferred to an automated voice mail system.

This is Steve, leave me a message and I'll be sure to get back to you.

Steve, this is the police desk. Per the captain, he's calling in the 4 to 12. You're requested to come in ASAP. Hope you get the message. Thanks.

Southampton Village Police Dispatcher Loch

Hi Ken, it's Missy.

Hi Missv.

Do you have numbers for us?

Yes. Hold on please let me switch phones.

Okay. Your CC is 803

I got to be really careful with these times.

You were dispatched at 10:42.

Okay.

You were signaled to at 10:45 21 at 47 18 at 56 and I think you were at the hospital at 11 -- I didn't hear the 21 time but I stamped you at 11:01 which is not possible.

No.

But that's what stamped, so okay.

Well, the thing is, you guys can put down, you know, what your times were but you just didn't sign out on the tape. 21, so I'd give you two minutes later, three minutes later.

Okav. I'll go for 59.

Okay and at 25 or 5 and whatever the black one.

Yeah, I still have you out because you said you guys are out of service.

Yes.

So I don't have your signal 5 yet.

Okay.

So you can put down what you like.

Okay. Do you have any times for 80?

Actually, I do.

I think that was pretty good.

Actually, I do. Hold on one second.

Okay, I have you signal 2 as the same time and actually your 21 at 10:44. That's the only real difference.

Okay.

that I have

okay

because I was in the process of stamping everything.

Yeah I'm sure

By the time I got around to it.

Okay.

That's because I have your -- So you know what the record says, is, I have you dispatched at 10:44, signal 2 and 21 at 10:44. So you know what I mean, that I was assigning you to the call at 80.

Okay. Could you repeat that?

Sure. I was assigning you to the call at 80 because normally I don't but being what was going on and you were the first unit there, I wanted to show that. So when you went 21, I assigned you to the call. That's why all those times say 10:44.

Okay.

Oh my God, I thought he was almost 40.

The spelling on the last name.

GLOW

The Polish always have that W in there

CZENSKY

Okay Ken, thank you.

Bye.	
Radio	
Ken, Its Laura up front.	
Yeah.	
The gentleman came back.	
Okay. Just have him take a seat.	
Southampton Village Police Dispatcher Lockhart	
Hi, this is Ingrid Schucht, Arthur Schucht, please.	
He's tied up.	
He just tried to call me, I'm trying to return his call.	•
Okay.	
Tell him I'm back at my desk.	
Okay.	
Thank you.	
You're welcome.	
Bye.	

EXHIBIT TT

This is a 35-year-old white male schizophrenic who collapsed in police custody and brought by ambulance to emergency department where he was pronounced dead.

The decedent was diagnosed with schizophrenia and bipolar disease in 1988. He has had several admissions to Kings Park Hospital and ELIH from 1988 to 1995. The last admission was in 1995 at ELIH. He resides with his parents. One year ago while intoxicated he was involved in an altercation with his brother. He was placed on probation following this assault and placed in a group residential etoh rehabilitation home at 163 Cedar Road, Mastic Beach New York 11951. He completed this residential rehab on September 15, 2003 and returned to his home where he resides with his parents.

Dr Satish who maintains a psychiatric practice at Opticare, Riverhead NY #284-5500, is following the decedent. He last saw Dr Satish on January 19, 2004. At that time he was changed from Zyprexa to Abilify. He is also maintained on Hydroxyzine and Lexapro. 7-10 days ago the decedent read an article indicating some blood glucose side effects of one of the above medication. He apparently became fixated on this and stopped taking all his medication at that time.

He began with auditory hallucinations, insomnia and increasing agitation. This has been ongoing over the last several days. The parents, knowing his past behavior, worried he would soon clope as with previous such agitated states.

On Wednesday, 2/4/04, at 0909 hours the parents called 911 to report a violent and out of control person. Southampton Village Police responded to the home. There was no arrest at parent's request. The parents said they would transport the decedent to Stonybrook themselves. The police left. At 1025 hour the decedent left the residence and parents called 911 again. They told dispatcher the general direction the decedent has taken on foot. At 1031 hours police dispatcher gave call out to police units. Four minutes later, at 1035 hour, the first officer encountered the decent agitated and violent at the incident location, at North Main Street and Railroad Plaza and called for back up.

Attempts to talk to the decedent began with arriving units. The decedent became more violent and police attempted to control him with use of TAZER and Pepper Spray. At the time of this report it is unknown if the pepper spray had direct hit and how many times he was Tazered. The violent struggle lasted 3-4 minutes until the decedent could be brought prone to the ground. The placement of the cuffs is uncertain at this point. While on the ground he was still combative and kicking. A call was placed for flex cuffs to secure his legs. At that time, while still not cuffed by his legs, he became suddenly unresponsive and the ambulance was called. The ambulance was dispatched at 1042 hours and arrives at the scene at 1047hours.

On arrival the decedent was prone on ground. Ambulance reput indicates he was rolled over and CPR started. Ambulance left the scene at 1056 enroute to Southampton Hospital.

He arrived at hospital at 1059 hours. On arrival decedent was in full arrest with CPR and Ambu-Bag mask in use. Coded in ED with ACLS protocol. He was cuffed on admission and cuffs were removed in the emergency room. It is unclear the position of the cuffs at this point. IV placed right arm and he was intubated. ECG was V.Fib and he was shocked. Pronounced dead at 1120 hours. Finger stick showed blood glucose of 444 and a rectal temperature of 100 degrees. He arrived fully dressed and Det Albergo removed the clothes from ED.

PMHx:

Remote dirt bike accident with resulting knee surgery at Southampton Hospital.

Ankle fracture with ORIF at age 32

1/15/04: Seen in Southampton ED c/o left chest pain. Had fallen off a bicycle 12/30/03 with left rib fractures (possible 4 and 5). Had been given Vicodin. Now that vicodin is finished he returned in pain. Found to have acute hyperglycemis, tachycardia, and dehydration. CT abd/pelvis was done to r/o internal injury. Drug screen at that time was negative.

h/o alcoholic hepatitis, etoh dependency

Psych Hx:

Hospitalized as noted at KPPH and ELIH

Medication:

Hydroxyzine Pam 25 mg i. HS last Rx 1/26/04 Lexapro 10mg i. Per day Abilify 15mg i. HS

Social:

+tobacco...1-2 ppd

Etoh abuse. Parents stated he has been sober x 1 year

Drug abuse in past, cocaine and marijuana. Parents believe he has not used in 6

Disability d/t mental illness, former house painter.

Family:

Parents alive and well, 4 siblings in good health.

Parents have no objection to autopsy.

Robert Golden

Case 2:04-cv-04052-SIL Document 118-3 F	Filed 11/30/09 Page 156 of \$044 Tyeff #.Uff 19LK, N.
DAVID GROSSZENSKI	GWWCZ. ENSKI DAVID
70 LAWTON Avenue	70 LAYTON AVENUE
Southampton My 11968	
DOB 4/19/68	
WIM	MIS Sigh Ochlares
Age 35	
	r.derl
NOK - PARENTS Name	Ameres Mg 1120 la
MARY	
SAR	
# 283-1487 - Home #	
Det P. PLBERGO - Homida	
at 806-04 SHUPD	
(C# 04-65136 SCPO	
76: 1031 - PUMS	sone 1085h
I/L. NORTH MAIN ST	
2 RR PWZA	
Southampton NY.	
Timeline:	
0909 - 94	
Violent - OM of control	
PD respond to residen No areat by fanty SUHD - by fanty	u
Twavest by fanty	Regard
SUPD-by lang	
crueo 1025 h. REcon	
10 allo 1031 m. Ther ope House dispuse	
10 alls 1031 m. Ther ope House	2
disperse	/ m === 4.44



Medical-Forensic Investigation Unit

Suffolk County Medical Examiner's Office Center for Forensic Science North County Complex Hauppauge, New York 11788-4311 Telephone (516) 853-5555 Fax (516) 853-5330

	TOTAL PAGES INCLUDING COVER SHEET			
From:	By Goldon Date: FER 5 2004			
Agency:	S.C.P.D HUMICIDE SOURD			
То:	DET P. "the toe" Alberto			

When I die I want to decompose in a barrel of beer and have it served in all the pubs in Dublin.

J.P. Donleavy (b.1926)

ME#04-0487

EXHIBIT UU

RIVERHEAD

David Glowczenski	
04/19/68 401804	
Last Name	First Name

ENCOUNTER/PROGRESS NOTE

DATE	Morton stoke to ma morrish
	David Lieb His isoming
	from heart attack the took aske
	chapped Abilities (after bendie a
	renchater outreles any mos combine
	recepator arreles and son complose of voices. Lan out into the extrest
	and ear bicket up på bour
	con teat admitted to tospica but
	222.
4	utopus baira 12.12. Satat
	Eora.
2/18	Report being cent to the
	Medical Examineni office
	mr. Satish
- 1 	
X127104	Fer Di Satish Sent Evolo from 1997 +2002 to Nedical Examiner along with a cover Sheet from Di Satish Granascropinto med Recot Sent to POBUX 6100 HAUPPauge NY 11788
	nedical Examiner along with a cover
	Sheet from Dr. Satist Omary aginto med Recot
	Sent to POBUX 6100 HAMPRANCE NY 11788
	7

Medical Record #

Case 2:04-cv-04052-SIL Document 118 3 Filed 11/30/09 Page 160 of 164 PageID #: 1923

RIVERHEAD

David Glowczenski 04/19/58 401804 Last Name First Name Medical Record # ENCOUNTER/PROGRESS NOTE DATE 1/25/04 acod the or vight 1100 102 4 600p -シンクラン・ハのようし 1a ac ciderat GOH notion of the picracio 10 sus is made Vistaril En 25 10% 20x50 alt. Disorger MAGERY SATISH, M.3

RIVERHEAD

David Glowczenski 14/19/68 401804

First Name Medical Record # Last Name ENCOUNTER/PROGRESS NOTE DATE 1/19/06 10-11 200000 7250 001 cia 15 mg 80,E E 60. 20 carse (m/vecoce MAGFRY SAISH M.D # PBIC ليد سارين

EXHIBIT NOT INCLUDED

TRANSCRIPT OF TESTIMONY IS IN POSSESSION OF ALL PARTIES' COUNSELS

EXHIBIT VV

Sworn to before me on Max 15, 2009.

GREGORY C. FREEMAN NOTARY PUBLIC OF THE STATE OF NEW YORK QUALIFIED IN WESTCHESTER COUNTY NO. 01FR6080775

COMMISSION EXPIRES: OCTOBER 28, 2010

New York, New York 10017-5947

UNITED STATES DISTRICT OURT

MARY JANE GLOWCZENSKI AND JEAN GRIFFIN, Individually and as Co-Administratrix of the Estate of DAVID GLOWCZENSKI,

Plaintiffs.

-against-

EASTERN DISTRICT OF NEW YORK

VILLAGE OF SOUTHAMPTON, SOUTHAMPTON VILLAGE POLICE DEPARTMENT, POLICE OFFICER Brian Platt, in his individual and official capacity, POLICE OFFICER Marla Donovan, in Her individual and official capacity, POLICE OFFICER Chris Wetter, in his individual and official Capacity, POLICE OFFICER Arthur Schucht, in his individual and official capacity, COUNTY OF SUFFOLK, SUFFOLK COUNTY POLICE DEPARTMENT, LIEUTENANT Jack Firtzpatrick, in his Individual and official capacity, LIEUTENANT Howard Lewis, in his individual and official capacity and John Doe 1-10, who are known by name to the Defendants but as of yet are not fully known by name to the Defendants but as of yet are not fully known to the Plaintiffs, OFFICE OF THE SUFFOLK COUNTY MEDICAL EXAMINER, James C. Wilson, M.D., Deputy Medical Examiner, in his individual and official capacity, SOUTHAMPTON VILLAGE VOLUNTEER AMBULANCE (a.k.a SOUTHAMPTON E.M.T. UNIT), Melissa Croke, EMT, in her individual and Official capacity, Keith Philips, EMT, in his individual and official capacity, Tim Campbell, EMT, in his individual and official Capacity, TASER INTERNATIONAL,

Defendants.

DEFENDANT TASER INTERNATIONAL INC.'S EXHIBITS LISTING TO RULE 56 MOTION FOR SUMMARY JUDGMENT

JOSEPH A. MARIA, P.C.

Attorney(s) for Defendant TASER INTERNATIONAL

File No.: 25-0001(dj)

Attorney(s) for

301 OLD TARRYTOWN ROAD WHITE PLAINS, NEW YORK 10601 (914) 684-0333

			,	ŕ	
State, certific document ar	22 NYCRR 130-1 ed that, upon inforre not frivolous.	nation and belief	and rea	sonable inqu	nitted to practice in the courts of New Yor uiry, the contentions contained in the annexe
Service of a Dated:	copy of the within				is hereby admitted
			Attorne		
PLEASE TA	KE NOTICE		· · · · · · · · · · · · · · · · · · ·		
NOTICE OF ENTRY	that the within is entered in the off	` ′			ourt on , 2009
	that an Order of v	which the within i	is a true	copy will be	e presented for settlement to the
NOTICE OF	Hon.		One of the judges of the within named Court,		
SETTLEMENT	at		20	, at	M.
Dated: To:			Attorne	y(s) for	JOSEPH A. MARIA, P.C. 301 OLD TARRYTOWN ROAD WHITE PLAINS, NEW YORK 10603 (914) 684-0333